

City of Selah  
Council Minutes  
April 28, 2009

Regular Meeting  
Selah Council Chambers  
115 West Naches Avenue  
Selah, WA 98942

A. Call to Order Mayor Jones called the meeting to order at 4:02pm.

B. Roll Call

Members Present: Summer Derrey, Kevin Jorgensen, Keith Larson, Denise Nichols, Dave Smeback, John Tierney

Members Excused: Paul Overby

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Jerry Davis, Fire Chief; Stacy Dwarshuis, Police Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner

C. Pledge of Allegiance

Councilman Smeback led the Pledge of Allegiance. Pastor Rex VanBeek led the group in prayer.

D. Agenda Changes

Mayor Jones said there are no Agenda Changes, but noted a type in Ordinance N-3.

E. Public Appearances

1. Chamber Economic Development Committee – Request for Approval of Sign & Location

Mayor Jones called on representatives of the Chamber Economic Development Committee.

Committee Chair Bill Jenkins called Wendy Culver forward. She passed around a revised sign, noting this project represents the first time four entities: the Selah Chamber, Selah Lions Club, Selah Kiwanis and Selah Viking Crew have formally worked together. She stated most little towns are geared to the high school mascot. She noted this sign was the result of many different ideas and opinions, and they are asking for a formal approval of this sign to give to DOT. She said the City has done a great job with Carlon Park, business development and the esthetics of North Wenas, and this proposal is looking to improve the appearance of the southern entrance to the City. She described it as a “baby-step” toward that end, and stated again that they want to get a letter of authorization or approval from the City. She called attention to the second page of the handout, noting they are short only \$4,700.

Mayor Jones said he hates to be the bearer of bad tidings, but he does not support the attention given to the Vikings on the sign. He said he has long supported youth sports in this community, but this community stands for much more than just high school sports. He noted the Selah apple and Gateway to

the Yakima River Canyon are established logos for the City. He praised the premier facilities built by the City.

Mrs. Culver said there are a lot of folks with individual opinions, pointing out that Council Members don't always agree either. She said they would like to move forward with the sign that these groups have all agreed on.

Mayor Jones identified himself as a Ram/Cadet, not a Viking, since he did not graduate from Selah High School.

Councilman Larson asked if they are asking the City for permission to put sign on a City right-of-way. It was pointed out that this area is a state highway right-of-way.

Mrs. Culver said they were informed that each City can have two welcome signs, but they can only show service groups, not businesses.

Councilman Larson asked what might happen is another service club comes along and wants to put up a sign.

Mrs. Culver said that's unlikely because the groups sponsoring the sign are the only service groups in Selah.

Councilman Tierney said he thinks it would be a great addition to the town. He said Councilwoman Derrey and former Councilman Allen Schmid would like it because it's graffiti resistant. He said he isn't a Viking, but he recognizes the team mascot has importance to small towns.

Mayor Jones said that apple logo has been there for almost forty years; that's the whole town of Selah.

Councilman Larson asked if the committee ever considered putting the Selah apple logo on the sign.

Mrs. Culver responded, "Yah. We've had that discussion, in fact." She noted they agree that the apple is a viable logo. She said the issue in their discussions became small town dynamics, quality of life, why people move to a community. She said schools are central to the City and there are nationally and regionally recognized high school organizations. She noted small towns have one high school and that becomes central to the community. She said Selah is marketed by our youth wherever they go. After citing mascot names for several Valley towns, she pointed out that "Vikings" applies to other high school activities, not just sports.

Mayor Jones said the City of Selah paid for development of ball fields, not the school district.

Councilwoman Derrey said she believes it's time to update things. She complimented the Chamber for doing all of the research on this project and said she is really impressed by Wendy's ability to stand up for herself and support this. She said she is looking forward to what their second project might be.

Councilwoman Nichols said she very much likes it too. She said "Home of the Vikings" does not trouble her, and agreed that the high school is a main focus of many small communities.

Mayor Jones said he remains concerned with the "Home of the Vikings" idea. He said he likes the idea of "Youth Capital of the World," something that covers the whole gamut.

Councilwoman Nichols said the community is more than that, and it's unfortunate that they couldn't spin off more on the apple, because apples are such a big entity here.

Councilman Smeback asked Mrs. Culver if she thought the Chamber group was open to changing the "Viking" part of the sign.

Mrs. Culver said she could not respond to that today, because there's already \$6,100 committed to the sign that the group is proposing on behalf of the groups with hundreds of members.

Councilman Tierney asked Mayor Jones if his objection is to the "City of Selah" or the Vikings logo.

Mayor Jones said the City is a youth oriented entity and the championship of all kinds of teams. He stressed that the big investor is the City, not the school. He suggested the group go back and ask these organizations, to get a different take on it.

Mrs. Culver said, "We're asking for this sign today, for formal approval." She said she showed the Council the \$4,700 so that they would understand the whole aspect, and assured the Council that their group was not asking for money today.

Councilmember Larson said he applauds the effort, and agrees the existing sign needs to be replaced, but he tends to agree with the Mayor. He said he would like to see something incorporating the City's logo.

Mayor Jones said he has yet to find a town that can provide the kinds of facilities that are here.

Mrs. Culver said depending on values, no one can dispute the facilities provided in Selah. She gave the example of the Toppenish murals and their western theme, but said that their sign says "Home of the Mustangs." \*\*

Councilman Tierney said it bothers him that the discussion is getting hung up on a logo that is way out of date, and pointed out, "We haven't been 'Wash' for twenty-five years." He said the apple logo is not even on the website. He said we're letting one little thing stand in the way of progress.

Councilwoman Derrey said she does PR for a living, and we're never going to agree on one logo.

Mayor Jones said we're talking about a group that came up with \$10,000, and he knows a group that came up with \$250,000 to build a Little League field.

Councilwoman Nichols asked if the group is under a tight timeframe or could they go back to their constituents. She suggested that the Viking logo could be removed and just have a by-line at the bottom and use the Selah apple.

Councilwoman Derrey said Selah is the biggest thing on the sign.

Councilman Tierney suggested putting an apple behind it.

Mrs. Culver said the committee already has formal approval and to take it back now would compromise the contributions they've already collected. She cited "hundreds of people" sitting on those committees and in those organizations who have already approved this. She said they have already talked about different logos.

Councilman Jorgensen said there is a philosophical difference between a group approaching the City asking the City to do a sign to promote itself or the group's independently coming up with an entrance sign and asking the City's permission to let them put it up.

Mayor Jones asked DOT's position on a sign banner.

Councilwoman Derrey said she only does communications for DOT, so she doesn't know.

Mrs. Culver said they asked those questions, and there are stringent rules for banners.

Mayor Jones said he could live with the sign.

Councilman Jorgensen suggested the Council could either approve the group's proposal or do it ourselves.

**Councilman Tierney moved approval of the sign as presented. Councilwoman Derrey seconded. Voice vote was inconclusive. Roll was then called. Council Member Tierney – yes; Council Member Smeback – no; Council Member Larson – no; Council Member Nichols – yes; Council Member Jorgensen – no; Council Member Derrey – yes. Mayor Jones broke the tie by voting no. Motion failed 4 – 3.**

Councilwoman Derrey said we'll just see how much these groups are willing to do for the City of Selah in the future.

City Supervisor Frank Sweet urged the Council to be a little careful when you see these numbers. He noted there are others out there who oppose the sign as it's presented.

Mayor Jones said he has nothing against the Vikings, and he has a history of support for youth. He said this community provided these facilities and the school should be grateful for them.

Councilwoman Nichols expressed her wish that there could have been some trouble-shooting by staff to soften this issue before it came to Council. She said the message the Council just sent was not a positive message.

The City Supervisor said the City did give the Chamber group the message, but they did not want to hear it.

Mayor Jones pointed out that the group said, "we're not here asking you for money today," implying that the City would be asked to contribute in the future.

Councilman Larson said "for a sign in which we had no input."

Frank Sweet said when they met he was pretty candid with them and let them know that it would probably be better accepted if it made clear reference to the City of Selah. He noted that when people get entrenched, there is no room to negotiate. He said had they taken the advice of Councilman Jorgensen and himself, the sign likely would have been better received, but it's not like they didn't hear that message before.

Councilman Tierney said the process here has been a good process, but suggested we should tighten up our logo and use it on our own website.

The City Supervisor suggested the Council Community Development Committee should work with the Chamber economic Development Committee to develop a sign. He compared it to Yakima's Aquatic Center proposal, saying they went after it backwards. He said they went out and promoted what they were going to do and then came to people and ask them to partner. He said if these people wanted to do something for the City, they should have started with the Council Committee, asking what do you think? asking them for some ideas of what the City would like to see in a sign, and suggesting we can partner up and do this. It didn't have to be that the Council looked like the bad guys.

Councilman Jorgensen said it would amount to the balance being paid by the City, which is okay as long as the City can afford it.

Councilman Larson said the issue was that the City was not involved in the process, and he thinks they should have been.

Mayor Jones said there are so many facets to this City. He said a committee reorganizing to raise money again. He said the City is the only thing you promote. He said, "That's my job. My job is to promote this City first, last and everywhere." He noted the school district has to promote itself. He said, "My job, our job is to make sure this City is clean, this City is safe and this City is progressive."

Councilwoman Nichols said she hopes the Community Development Committee can contact the Chamber committee and work with them to resolve this issue.

The Mayor directed the City Supervisor to follow up on that. He moved to written communication.

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. List of March & April Tagging Clean-up – Allen Schmid

Councilwoman Derrey thanked Allen Schmid for his work graffiti busting. She offered her paint to him, indicating she no longer planned to do it.

Mayor Jones moved to the Consent Agenda.

H. Proclamations/Announcements

I. Consent Agenda

Councilman Smeback asked to remove N-2 from the Consent Agenda.

Councilwoman Nichols asked to add M-2 to the Consent Agenda.

**Councilman Larson moved approval of these changes. Councilman Jorgensen seconded. By voice vote, support was unanimous.**

Mayor Jones read the Consent Agenda as amended.

**Councilman Larson moved approval of the Consent Agenda as amended. Councilwoman Nichols seconded. By voice vote, Consent Agenda was adopted unanimously.**

All items listed with an asterisk (\*) were considered as part of the Consent Agenda.

- \* 1. Approval of Minutes: Study Session & Council Meeting March 24, 2009
- \* 2. Approval of Claims & Payroll:
  - Claims Checks Nos. 53831 – 53948 for a total of \$419,855.13
  - Claims Checks Nos. 53949 – 53950 for a total of \$ 1,630.37
  - Claims Checks Nos. 53951 – 54018 for a total of \$ 67,800.74
- \* 3. M – 2 Resolution Authorizing the Mayor To Sign Change Order No. 3 on the Well No. 6 and the Zone 3 Pump Station Contract
- \* 4. Item N - 1 Ordinance Repealing Selah Municipal Code Chapter 11.15
- \* 5. Item N – 3 Ordinance Repealing Selah Municipal Code Chapter 12.18
- \* 6. Item N – 4 Ordinance Amending the 2009 Budget for Police Capital Outlay

J. Public Hearings

K. New Business

L. Old Business

M. Resolutions

- 1. Resolution Approving and Adopting an Identity Theft Prevention Program for City of Selah Utilities

City Attorney Bob Noe addressed Resolution M - 1 saying this Program will allow the City to come into compliance with the Fair and Accurate Credit Transactions Act. He said everyone is familiar with identity theft, and this will allow the City to participate in effort to forestall identity theft with accounts that the City maintains on behalf of our citizens' utilities. He said through this program we will keep our accounts as confidential as possible, work with our IT people to keep things in a place where no one can access confidential information, and require customers to identify themselves before giving any information regarding their accounts. In addition, this program will help us identify "red flags" that might indicate efforts to steal identities of customers. Mr. Noe said the program is intended to be flexible and can be designed to fit our needs.

Councilman Jorgensen asked if the Clerk/Treasurer has had a chance to look at this.

The City Attorney said we can modify it to work for us.

**Councilman Tierney moved approval of the Resolution Approving and Adopting an Identity Theft Prevention Program for City of Selah Utilities. Councilman Jorgensen seconded. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Larson – yes;**

**Council Member Nichols – yes; Council Member Jorgensen – yes; Council Member Derrey – yes. Support was unanimous.**

- \* 2. Resolution Authorizing the Mayor To Sign Change Order No. 3 on the Well No. 6 and the Zone 3 Pump Station Contract

N. Ordinances

- \* 1. Ordinance Repealing Selah Municipal Code Chapter 11.15
- 2. Ordinance Amending Chapter 11.30.060 §(b) and Chapter 11.30.080 §(b)(8) and (9) of Selah Municipal Code To Reflect the City’s Adoption of the International Fire Code

Fire Chief Jerry Davis said the effort here is to update wording that was part of the old Uniform Fire Code and clarify it to comply with the International Fire Code that was adopted a couple of years ago. He said as the code changes, we can keep it updated.

Councilman Smeback asked if there will be other requirements that they will put on us.

Chief Davis said there will be additional requirements, but noted this effort is driven by the west, not the east. He said the International Codes were adopted by the State of Washington.

Mr. Smeback said he was afraid this might be like the Stormwater rules, driven by eastern cities and not necessarily relevant to us.

**Councilman Larson moved approval of the Ordinance Amending Chapter 11.30.060 §(b) and Chapter 11.30.080 §(b)(8) and (9) of Selah Municipal Code To Reflect the City’s Adoption of the International Fire Code. Councilman Tierney seconded. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Larson – yes; Council Member Nichols – yes; Council Member Jorgensen – yes; Council Member Derrey – yes. Support was unanimous.**

- \* 3. Ordinance Repealing Selah Municipal Code Chapter 12.18
- \* 4. Ordinance Amending the 2009 Budget for Police Capital Outlay

O. Communications

- 1. Oral

P. Reports/Announcements

- 1. Mayor
- 2. Council Members
- 3. Boards
- 4. Departmental
  - a. Selah Fire Department “The Hose Line” 1<sup>st</sup> Quarter 2009
  - b. FYI – 2000 Census: Owner Occupied Versus Renter Occupied Housing

Fire Chief Jerry Davis thanked Allen Schmid for quickly removing graffiti. He said he has been working to update codes where they apply to the Fire Department. He reported that the Mayor and he attended Emergency Medical Services meeting this morning.

Mayor Jones added that what was begun years ago resulted in a county-wide EMS levy which now has mutated from education into transport. He stated the lower part of Yakima County has very little if any ambulance service.

Chief Davis said Benton went up to Grandview, who just shut down their service and will shut their doors May 1. He said Sunnyside now covers Prosser, Sunnyside, Grandview and the Mabton area, and they can't afford it.

Mayor Jones noted it is a very tough balancing act.

Chief Dwarshuis reported that two of his officers will be in Active Shooter instructor training and one in Auto Theft training this week. He said he would head for Wenatchee at the conclusion of the Council meeting to attend liability training. He reported that Officer Dan Farrell scored highest on the Civil Service exams and will be promoted to sergeant effective May 1. He concluded by reporting that thirty-one counts of graffiti will be charged to two young men in Selah Municipal Court next Tuesday.

City Attorney Bob Noe said the Council should have received an email regarding the Matson Fruit LUPA hearing which will go back to the Planning Commission soon, and will be starting at square #1.

Councilwoman Nichols asked if anyone plans to attend the V&C or AWC meetings.

Councilman Smeback reported that he attended his first TPA meeting, which dealt with a funded position at the State Fair Park. He said there was lengthy discussion about filling that position for the next few months, but they decided not to fill it.

Councilman Tierney complimented Chief Davis and his crew on their EMS service last Sunday when they responded to an emergency at his house.

City Supervisor Frank Sweet reported that Randy Beehler will be contacting Council Members regarding the Retreat on May 22 at North Park Lodge. He said Retreat materials will be given to Council on May 12.

Public Works Director Joe Henne told the Council to let him know soon if there is anything they want done for Community Days.

Mayor Jones asked if Public Works has talked to any of the people on 12<sup>th</sup> Street who expressed concern about water and sewer hook-ups.

Mr. Henne said Ty Jones talked to a couple of them.

Mayor Jones said we need to finish up the flags and paint the apples because Community Days are coming. He noted Steve Robertson has twenty people to work on the pool when it's drained.

Q. Executive Session

No Executive Session was scheduled.

City Supervisor Frank Sweet said there's a good chance that at the next Council Meeting you'll have a request for approval to purchase one or maybe two cameras. He noted we don't want to "catch and release;" we want to prosecute.

Councilman Tierney asked if there are groups at the high school who might get involved.

Councilwoman Derrey said she worked with a couple of kids who wanted to get community service hours.

Councilman Jorgensen said there is an account at Helms called "Graffiti Busters," and they'll equip anyone who wants to contribute to the effort to paint out graffiti.

Councilman Tierney suggested anti-graffiti paint for locations that are frequently hit.

Councilman Overby said cleaning it up so they don't see it is the best deterrent. He said we need to show them that we have a greater will.

Councilwoman Derrey reported there will be a yard sale Saturday from 7am-3pm at Civic Center to benefit Relay for Life.

Councilman Overby reported the Solid Waste Advisory Committee is in the process of revising the Solid Waste Plan for Yakima County for the next five years.

Councilwoman Nichols asked if the Council can continue to receive transit reports. She expressed an interest in benches and shelters.

The City Supervisor said he will follow up on that.

Mayor Jones said everything is looking very good.

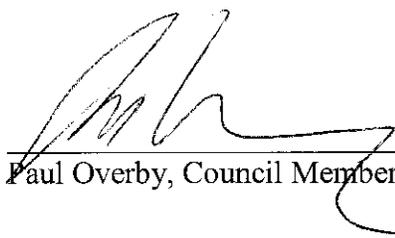
Q. Executive Session

No Executive Session was scheduled.

R. Adjournment

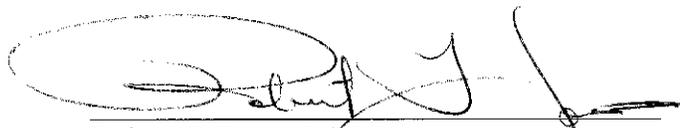
**Council Member Tierney moved, and Council Member Jorgensen seconded that the meeting be adjourned. By voice vote, the motion passed unanimously.**

The meeting adjourned at 5:06pm.



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Paul Overby, Council Member



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Robert L. Jones, Mayor



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Summer Derrey, Council Member

R. Adjournment

**Council Member Nichols moved, and Council Member Tierney seconded that the meeting be adjourned. By voice vote, the motion passed unanimously.**

The meeting adjourned at 5:10pm.

(excused)

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Paul Overby, Council Member

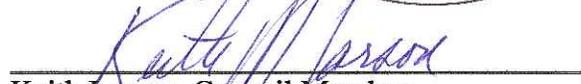
  
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Denise Nichols, Council Member

  
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John Tierney, Council Member

  
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Dave Smeback, Council Member

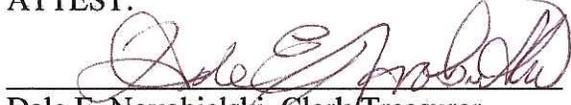
  
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Robert L. Jones, Mayor

  
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Summer Derrey, Council Member

  
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Keith Larson, Council Member

  
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Kevin Jorgensen, Council Member

ATTEST:

  
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Dale E. Novobielski, Clerk/Treasurer

Study Session  
Selah City Council  
April 28, 2009

Clark Satre, Regional Manager for Pacific Power, addressed the Council regarding the proposed PPL rate increase.

He reviewed the way utility rates are set, noting PPL is a regulated utility whose rates are established by the Washington Utilities and Transportation Committee.

He said when they file for a rate increase, the Committee takes eleven months to review it, to decide what parts they like or don't like, and then interveners such as industrial users present testimony. He said the Public Counsel section of the Attorney General's office is specifically charged with opposing whatever PPL proposes. When the Utility Commission holds a hearing and receives and considers all of that information, it will be eleven months after the filing that action is taken, and they never get all that they request. He described the process as "lengthy," noting that the public has lots of opportunity for input.

He said there are two components to rates: they are allowed to recover day-to-day operating expenses as well as return on capital investment. He noted the current request is for a 15.1% (\$38.5 million) rate increase and that is on top of the 8% rate increase they received last fall. In response to a question from Councilman Larson, he noted that they would likely not receive the total amount requested, and whatever the Committee allows, PPL would not receive it before January of next year.

He explained that out of the \$38.5 million, \$2.8 million is operating and maintenance expense, and the remainder is for return on capital investment. He noted that over the last year and a half they have invested hundreds of millions of dollars in new generating capacity, wind farms and a natural gas-fired power plant to back up the wind farms. He said the immediacy of their investment is due in part to Initiative 937 which voters adopted in 2006 requiring utilities such as Pacific Power to get 15% of their energy from renewable resources by 2015 (existing hydro-power does not count toward this).

He noted whether or not it is needed or economically feasible, power companies must build renewable resources, primarily wind farms at a rate which does not take into account what their customers need or the resources available to them. He said one result of this effort is that it's putting a manufacturing burden on wind machine manufacturers, so the price of the wind machines has gone up, and the economics of wind energy has gone out the window. He said the mandate has created a supply/demand problem. For example, he said the cost of all of Pacific Power's non-wind power generation is about 3.5¢ per kilowatt hour, but power generated by the new wind farm near Goldendale costs 7.5¢ per kilowatt hour, and they're selling to their customers at about 6¢ per kilowatt hour.

He cited another problem, they only get about 30% capacity out of a wind farm because of wind fluctuation.

He said they opposed Initiative 937, knowing that whatever they invest gets passed on to the customers. He said that although they are often looked at as the bad guys, they are more of a consumer advocate than anyone else. He passed around a handout showing comparison rates among electric providers in the State of Washington in 2007. His second handout showed a residential electric rate comparison for an average kilowatt hour usage of 100 kWh per month. He noted Bonneville Power has announced a rate increase of 9% which will impact rates of

providers who get their power from Bonneville. He acknowledged that the timing of this request for rate increase is extremely bad.

Councilman Tierney asked what percentage of power that's being generated off of new capital investment is being used in the State of Washington.

Mr. Satre responded that power resources are allocated on complex formulas because PPL provides power to six states: Oregon, Washington, California, Utah, Wyoming and Idaho. He explained that newer generation resources are allocated on a percentage of load used in each state. He said Washington has 8% of Pacific Power customers, so 8% of the cost of a new wind farm would be allocated to Washington, regardless of where it is built. He clarified that \$35 million is just Washington's share of that capital investment.

Councilman Larson asked what Initiative 937 mandated.

Mr. Satre responded that 15% of power must come from renewable sources by 2015. He noted that new hydro can be counted in that percentage. He said solar, biomass (burning of lumber scraps, beetle kill, etc.), geo-thermal are all considered renewable, but wind is the best.

Councilman Tierney asked about proposed legislation this year that would have relaxed this requirement. He also asked what percentage of return on investment is PPL's goal from this increase.

Mr. Satre said the WUTC goal is about 10% long-term.

Councilwoman Nichols asked if there are the other companies included in comparison that are under the same guidelines regarding renewable energy.

Mr. Satre said he is not sure because the Initiative only applies to utilities with more than 25,000 customers.

Councilwoman Nichols asked if PPL is eligible for stimulus money, and what cost containments has PPL implemented for its customers.

Mr. Satre said no stimulus dollars are coming to his company. He said the primary cost containment measure is that they have smaller workforce now than three years ago.

Councilman Smeback asked if all companies are going to wind.

Mr. Satre said that is the most common.

Councilman Jorgensen asked the average cost per wind machine.

Mr. Satre approximated the cost at \$1-2million. He said it has come down a little bit. He said people are having a hard time getting funding but are trying to take advantage of a dip in cost.

Councilman Larson asked if users can sell power back to the company.

Mr. Satre said they have a program called "net metering" which applies to small sized projects, such as putting a solar panel on your house. He said that can offset your own load and they can register a credit for customers while they retain the full reliability of the grid. He said customers are better off with that than with a sell back because they are getting power at a non-firm wholesale rate, and that is better than paying the full rate.

Councilman Jorgensen asked if there are solar examples locally.

Mr. Satre there are some net metering projects in Oregon, but none here that he knows of. He said residential rooftop solar would add \$20-30,000 to the price of a home, noting that would be worth it in California where rates are up to \$15+ per kilowatt hour.

Councilman Larson said he talked to a fellow in Ellensburg who used rooftop solar to heat water, and that warm water could be stored in underground tanks and used for heat or he could run the meter backwards if he had extra.

Mr. Satre noted you could use solar to preheat the water for your water heater.

Mayor Jones and several Council Members thanked Mr. Satre for his presentation.

The Study Session concluded at 3:57pm.