

City of Selah
Council Minutes
August 28, 2012

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

A. Call to Order Mayor Gawlik called the meeting to order at 6:35pm.

B. Roll Call

Members Present: John Tierney; Paul Overby; Kevin Jorgensen; Dave Smeback

Members Excused: Keith Larson; Allen Schmid; Brooke Finch

Staff Present: David Kelly, City Administrator; Bob Noe, City Attorney; Jerry Davis, Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jeff Hagler, Parks, Recreation & Tourism Director; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Councilman Smeback led the Pledge of Allegiance. Pastor Van Beek led the opening prayer.

D. Agenda Changes **None**

E. Public Appearances/Introductions/Award Presentations **None**

F. Getting To Know Our Businesses **None**

G. Communications

1. Oral

Mayor Gawlik opened the Public Meeting. Seeing no one rise to speak, he then closed the Public Meeting.

2. Written

a. Railroad Avenue and East Bartlett Avenue Improvements Progress Estimate No. 3

b. Wastewater Treatment Clarifier Upgrades Progress Estimate No. 3

- c. City of Yakima, Transit Division – Ridership Counts for the month of July 2012
- d. W. Fremont Avenue and W. Naches Avenue Improvements Progress Estimate No. 1

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Tierney requested that M-4 be removed from the Consent Agenda.

Executive Assistant Lake read the Consent Agenda.

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

- * 1. Approval of Minutes: August 14, 2012 Council Meeting

- * 2. Approval of Claims & Payroll:

- Claim Checks Nos. 60658 – 60659 for a total of \$ 20,892.40
 - Claim Check No. 2005 for a total of \$ 43,258.98
 - Claim Checks Nos. 60660 – 60741 for a total of \$475,148.81

Councilman Smeback moved, and Councilman Overby seconded, to approve the Consent Agenda as read. By voice vote, approval of the Consent Agenda was unanimous.

J. Public Hearings **None**

K. New Business

- 1. GYGSA Request re: Carlon Park

Mayor Gawlik addressed K-1. He said that the University of Washington Girls Fastpitch team will be in town for an event in early September, and that Mr. Harris, on behalf of the Greater Yakima Girls Softball Association (GYGSA), has requested that the City consider donating the expense of using the lights for Saturday night batting practice.

Council Member Jorgensen asked for confirmation that the City has been sponsoring this event to a greater extent than just the cost of lights for the last several years.

Mayor Gawlik replied in the affirmative.

Council Member Tierney commented that the City currently has a contract with GYGSA for the use of Carlon Park, which contains language stating that GYGSA agrees to pay \$14.00 an hour per field for usage of the overhead field lights. He stated that GYGSA has agreed in the past to pay for light usage, and that he recommends that GYGSA continue to pay for the lights.

Council Member Overby remarked that it has been a number of years since he has seen it, and that he had forgotten some of the fine points, such as scheduling, notifications and auditing, that need to be complied with. He wondered if anyone was checking up on these items.

Parks, Recreation & Tourism Director Hagler responded in the affirmative, saying that he has been looking at these agreements with City Administrator Kelly and that overall the City has been getting the reports and notifications as stated in the contract. He noted that the original agreement was signed in 2005, and since then the City has upped the cost of the lights to \$18.00 per hour due to rising costs.

Council Member Jorgensen inquired if the City had been funding this event in excess of \$5,000 per year previously.

Parks, Recreation & Tourism Director Hagler replied in the affirmative, saying that the City has helped cover all their expenses in previous years.

Council Member Jorgensen observed that they are only requesting the cost of lights this year, which would be maybe \$100-200.

Parks, Recreation & Tourism Director Hagler commented that it would be less than that, as it would only be for one night.

Council Member Jorgensen noted that they have significantly reduced the amount of their request and opined that GYGSA must be picking up the tab for the remainder.

City Administrator Kelly remarked that there has been no discussion on whether or not the City will be asked to cover food and lodging expenses this year, as has been done in previous years. He commented that the lighting costs would be in addition to a possible request for lodging & food expenses, although there has been no request for additional funds at this time.

Council Member Jorgensen asked for the date of the event.

City Administrator Kelly responded that the event is September 15th and 16th.

Council Member Jorgensen observed that they are running out of time to make a financial request to the City.

City Administrator Kelly stated that he isn't sure how the process worked in previous years.

Parks, Recreation & Tourism Director Hagler remarked that the event is different this year compared with previous years, as there will not be a game played, and that he doesn't think GYGSA will be asking for further funding for this year's event.

Council Member Jorgensen recalled that the first year this event was put on the girls had just won the Collegiate World Series, and Selah was chosen to host because of the quality of the Carlon Park complex. He went on to say that there was some issue with a League game between the UW girls and an Idaho team being disqualified as it was not on League property, which evolved into a scrimmage and clinic each year. He commented that at some point dwindling revenues will affect funding from the City, and noted that they are required to pay for lighting per the contract.

Council Member Tierney opined that a significant percentage of City resources have already been committed to GYGSA per the existing contract, as evidenced by the large list of items under field preparation that the City is responsible for, which already amounts to a sizable donation.

City Administrator Kelly remarked that he, City Attorney Noe and Parks, Recreation & Tourism Director Hagler have been reviewing the various contracts that the City currently has, and will be presenting them to Council at a later date along with relevant information on expenditures and revenues.

Council Member Smeback inquired if the event is a fundraiser for GYGSA.

Parks, Recreation & Tourism Director Hagler replied that he did not think so, but that it is for the University of Washington.

City Administrator Kelly stated that the event is a fundraiser for the University of Washington.

Council Member Smeback asked for confirmation that GYGSA receives no financial profit from the venture.

Parks, Recreation & Tourism Director Hagler replied in the affirmative.

City Administrator Kelly confirmed it, saying that Council Member Schmid had indicated to him that all the proceeds go to the University of Washington.

Council Member Smeback commented that this activity falls under tourism, as it showcases our facilities and our town. He inquired if the Civic Center will be used.

Parks, Recreation & Tourism Director Hagler replied that he did not believe so, although in previous years they have put on a fundraising dinner.

Council Member Smeback said that in years past the City has donated use of the Civic Center along with room and board, then asked for confirmation that they are only asking for a donation of light usage this year.

City Administrator Kelly remarked that at most it would be roughly six hours at \$18.00 an hour to run the lights.

Council Member Smeback asked if it was a one night event.

Parks, Recreation & Tourism Director Hagler replied in the affirmative.

Council Member Overby expressed a concern over whether the City will also be approached for an additional \$3,000-4,000 to cover costs, and wondered whether it was already obligated.

City Administrator Kelly responded that it is listed in the 2012 budget, and suggested that if the City is asked for a larger financial donation that it be brought back before Council for a final decision.

Council Member Jorgensen asked if it would have been brought to Council otherwise.

City Administrator Kelly replied in the negative, as \$4,000 was set aside in the Tourism budget specifically for this event. He asked the Council if this was what they wanted to do with the Tourism money, and if they were aware that the City had been spending money on this.

Council Member Tierney remarked that GYGSA is not without funds, and this feels like they are trying to get a nose back in the tent before asking for further funds.

Council Member Tierney moved, and Council Member Overby seconded, to deny the request and have GYGSA cover the lighting costs as stated in their contract with the City of Selah. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – no. Motion passed with three voting yes and one voting no.

L. Old Business

None

M. Resolutions

- * 1. Resolution Authorizing the Mayor to accept the Railroad Avenue and East Bartlett Avenue Improvement Project as Complete
- * 2. Resolution Authorizing the Mayor to Accept the 2011 Water System Improvements Project as Complete
- 3. Resolution Authorizing the Mayor to approve Task Order No 2012-4 between the City of Selah and Huibregtse, Louman Associates, Inc. for right-of-way acquisition services for the Railroad Avenue and Wenas Road/Bartlett Avenue Improvement Project

Public Works Director Henne addressed M-3. He reminded Council that they had approved an Ordinance in June directing City Attorney Noe to begin condemnation proceedings, and the he assumes they would like to move forward with the right of way acquisitions. He said that there are two methods to go about doing this; you can either go to court or fill out the appropriate HUD documents. He commented that he is unsure which is cheaper, although he knows which one is friendlier. He noted that there has been no opposition from the property manager.

Mayor Gawlik asked how long ago he notified the property owners regarding the condemnation.

Public Works Director Henne replied that he didn't notify them; City Attorney Noe did.

City Attorney Noe remarked that the property will have to go through the process anyway, because it is a HUD property, and it would allow the owners to cooperate with the City under threat of condemnation. He recommended having Huibregtse, Louman Associates proceed, noting that it would be less expensive than litigation.

Council Member Jorgensen inquired if the City always hired someone for right-of-way acquisition services, if anyone in the City could fill out the appropriate documents, or if it was better to have a third party do it in the interest of fairness.

Public Works Director Henne responded that he has been doing right of way negotiations for fifteen years and has been authorized by Council per the recent Ordinance to do so for this project. He went on

to say that he feels it would be more expedient to have Huibregtse, Louman Associates do what they are able to on this, as it would be a much slower process if he had to do it.

Council Member Jorgensen wondered if this was something that was routinely farmed out.

Public Works Director Henne replied that he has done them in the past, including some involving the grind and overlay on Fremont Avenue, but he has never done one involving a HUD property.

Council Member Tierney moved, and Council Member Smeback seconded, to Approve the Resolution Authorizing the Mayor to approve Task Order No 2012-4 between the City of Selah and Huibregtse, Louman Associates, Inc. for right-of-way acquisition services for the Railroad Avenue and Wenas Road/Bartlett Avenue Improvement Project. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. By voice vote, approval was unanimous.

4. Resolution Authorizing the Mayor to Sign the Agreement between the City of Selah and Yakima Basin Environmental Education Program for Professional Consultant Services relative to Stormwater Education

Public Works Director Henne addressed M-4. He noted that the City has had a contract with Yakima Basin Environmental Education Program (YBEEP) for stormwater education in the Selah School District since 2008. He reviewed the list of past contract amounts and actual expenditure amounts provided in the Council packet, and went on to say that after discussing this with City Administrator Kelly they have decided to reduce the contract amount to \$5,000, which should cover the services they have been providing.

Council Member Tierney questioned why the contract amounts were higher each year but the expenditures were lower, and wondered where the remainder of the grant money is.

Public Works Director Henne replied that those funds, approximately \$65,000 – 68,000, are still in the stormwater grant for the City to use.

Council Member Tierney asked why we aren't doing more if funds are available.

Public works Director Henne responded that the grant application required that you list why you are applying for the grant and what you will do with the monies. He went on to say that one of the boxes checked was for public education and public outreach, and this contract satisfies that part of the grant requirements. He noted that in the past they have gone out and stenciled around the drains, purchased safety vests for the kids to wear, and provided traffic control during the activity.

Council Member Tierney asked for confirmation that a large percentage of the grant is still sitting there waiting to be used.

Public Works Director Henne replied that the unused portion of the funds doesn't go away.

Mayor Gawlik wondered if there is a time issue.

Public Works Director Henne responded that he believes the grant expires in June 2013. He listed numerous items that the City has previously used the funds for, aside from stormwater education. He

commented that he would like to use the remaining funds to purchase a new street sweeper with a catch basin, which is approved under the grant requirements, and will be bringing it before Council at a later date.

Council Member Tierney asked if it would be authorized under the grant because it would be dealing with stormwater.

Public Works Director Henne replied in the affirmative.

Council Member Overby moved, and Council Member Smeback seconded, to Approve the Resolution Authorizing the Mayor to Sign the Agreement between the City of Selah and Yakima Basin Environmental Education Program for Professional Consultant Services relative to Stormwater Education. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. By voice vote, approval was unanimous.

N. Ordinances

1. Ordinance Creating Selah Municipal Code Chapter 20.22, Comprehensive Plan Amendment Fee

Community Planner Davison addressed N-1. He referred Council to the proposed Ordinance, staff report and Planning Commissions' Findings and Conclusions presented to them. He noted that this Ordinance is in response to a question brought up at last year's budget meeting, asking why the City assesses no fee for a Comprehensive Plan Amendment. He brought the idea of a Comprehensive Plan Amendment fee of \$400 to the Planning Commission, and after discussion their recommendation to Council is an all inclusive fee of \$400 per application to cover any proposed amendment to any plans submitted by a non-governmental entity. He noted that the Planning Commission had an advertised Public Hearing on the matter as required by law, and recommends an amendment to the Municipal Code creating a \$400 fee for plan amendments.

Council Member Jorgensen asked if the vote was four to zero in favor of the fee.

Community Planner Davison replied in the affirmative.

Council Member Tierney wondered if \$400 is sufficient to recover the City's cost to review the proposed plan amendments.

Community Planner Davison responded in the negative, saying that it will probably cover the expense of legal advertisement and notices to the surrounding property owners.

Council Member Tierney asked what dollar amount would be all-inclusive.

Community Planner Davison replied that when you add in his time and the administrator's time the cost is over \$1,000.

Council Member Jorgensen asked if anyone is charging that large of a fee.

Community Planner Davison responded in the negative.

Council Member Tierney inquired as to the dollar amount that the City of Yakima charges.

Community Planner Davison replied that they charge \$1,000 deposit and track expenses incurred while processing the application. He said that they may request an additional \$1,000 deposit if they are exceeding the original deposit amount, and if the applicant opts not to pay the process stops at that point. He noted that any remaining money at the end of the process would be refunded to the applicant. He commented that he has discussed this with those who use this system, and they indicated that it is easier to simply have a flat fee.

Council Member Tierney wondered what fee is charged by similar-sized cities.

Community Planner Davison replied that some of the smaller cities in the lower valley have no fee, although Yakima County charges a flat fee of \$600.

Council Member Tierney remarked that he hates to see the City giving away services.

Council Member Overby opined that we do have a legitimate governmental function to carry out, which is why we collect taxes in the first place. He expressed concern over the expense to someone with a very small change to the Comprehensive Plan, as opposed to a developer or someone else making a larger change. He wondered if we would have the ability to waive the fee under certain circumstances.

Community Planner Davison remarked that the Council could always waive a fee when based on an application by an individual.

Council Member Overby said that he can't think of any proposed changes that would be considered frivolous, noting that some of them have been fairly substantial.

Community Planner Davison stated that several developers over the last several years have applied for Comprehensive Plan Amendments on a per lot basis. He walked through a recent proposed change from start to finish, giving Council a better picture of the whole process.

City Administrator Kelly asked who many applicants the City has each year.

Community Planner Davison replied that there were three last year, seven the year before and approximately nine the year before that, noting that it is primarily developers, not individual citizens, who have submitted applications.

Council Member Tierney asked Council Member Smeback for his professional opinion.

Council Member Smeback observed that it is a service of the Planning Department, with a small number of applicants any given year. He felt that there should be some sort of fee assessed but noted that not every committee service can carry its own weight.

City Attorney Noe asked if this Ordinance was creating a new chapter or a new section.

Community Planner Davison replied that there is no chapter for Comprehensive Plan Amendment fees.

City Attorney Noe noted that the chapter should be 20.22.020 instead of 20.22.02, and wondered if 20.22.010 already existed.

Community Planner Davison responded that most of the codes don't have 010.

Public Works Director Henne remarked that he believes 010 is reserved for definitions.

Mayo Gawlik agreed with Public Works Director Henne.

City Attorney Noe commented that you usually have an 010 with an 020.

Community Planner Davison said that we could simply create 20.22 and let the codifier figure out the numbering system.

City Attorney Noe asked if the Ordinance was creating both the Chapter and the Section.

Community Planner Davison replied in the affirmative.

Council Member Jorgensen moved, and Council Member Overby seconded, to Approve the Ordinance Creating Selah Municipal Code Chapter 20.22, Comprehensive Plan Amendment Fee. Roll was called: Council Member Tierney – yes; Council Member Overby – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. By voice vote, approval was unanimous.

2. Ordinance Amending the 2012 Budget for Review and Change in City Administration

City Administrator Kelly addressed N-2. He said that it is simply an amendment for those things that haven't been budgeted.

Council Member Tierney moved, and Council Member Jorgensen seconded, to Approve the Ordinance Amending the 2012 Budget for Review and Change in City Administration. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. By voice vote, approval was unanimous.

3. Ordinance Amending the 2012 Budget for Replacement of Desktop Computers

City Administrator Kelly addressed N-3. He said that there are several computers in City Hall are anywhere from four to six years old, and are not longer functioning at desired levers. He recommended replacement of these computers, along with an Office 2010 upgrade for all of the computers. He expressed his desire to create a schedule for all City computers, to allow for annual budgeting for repair and replacement. He went on to say that there was approximately \$81,000 at the end of last year for Finance and Executive equipment reserves, and that we will spend roughly the same amount that will be added to the fund this year, and we will end the year with an equal or slightly more balance. He said that there is also money in the Parks & Recreation fund to replace the Parks & Recreation computers, and their funds will be growing, not depleting. He remarked that this is a good opportunity to keep things moving along.

Mayor asked if there was an estimated expenditure.

City Administrator Kelly replied that it will be approximately \$8600.

Council Member Jorgensen asked if that was a service contract the City was provided.

City Administrator Kelly responded in the negative, saying that staff did some research online for these. He briefly listed some of the specifications.

Council Member Jorgensen wondered if someone would come in to install them, or if City staff would do this.

City Administrator Kelly replied that the City will purchase the computers, which will then be set up by a Computer Works technician.

Council Member Smeback wondered if we had battery back-ups for the key units.

City Administrator Kelly remarked he would like to go away from battery back-ups over time, as a surge protector will protect a computer and cost less than a battery back-up. He went on to say that, during his tenure in San Juan County, he transitioned them away from battery back-ups for all computers other than the servers.

Council Member Smeback asked if there was a battery back-up on the City's server.

City Administrator Kelly responded that he hadn't looked at it yet.

Council Member Jorgensen moved, and Council Member Smeback seconded, to Approve the Ordinance Amending the 2012 Budget for Replacement of Desktop Computers. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. By voice vote, approval was unanimous.

- * 4. Ordinance Amending the 2012 Budget for Pool Maintenance & Upgrades
- O. Communications
 - 1. Oral

Mayor Gawlik opened the meeting. Seeing no one rise to speak, he then closed the meeting.

City Administrator Kelly stated that he would like some clarification regarding a possible GYGSA request of funds to cover the cost of an overnight stay and dinner. He acknowledged that some Council Members were unaware of this expenditure in the past and restated that he would like some direction from the Council in the event that a request is made.

Council Member Tierney remarked that he would like to know the budget and fiscal health of GYGSA prior to committing City funds.

City Administrator Kelly replied that they are supposed to give us an annual accounting per the contract, but that he has been unable to either locate one or have one brought to him.

Mayor Gawlik asked about a financial statement.

City Administrator Kelly said that he did receive a copy the March statement from Council Member Schmid within the last couple of days, but has received nothing from GYGSA. He noted that this is a

part of reviewing the contract. He went on to say that, according to Council Member Schmid, this does not affect GYGSA's bottom line.

Council Member Tierney opined that the City doesn't benefit from this at all.

Council Member Overby commented that it is a tourism activity. He went on to say that, as this expenditure was already approved when the 2012 budget was approved, he would be fine with the expenditure this year, especially since they may be counting on this support.

Council Member Tierney remarked that there may be an area in budget where we have a problem, so those funds may be needed elsewhere.

Council Member Jorgensen said that his inclination is to not approve any further budget requests for that item. He felt that Council Member Overby brought up a valid point, as the Council did vote to pass the budget with this line item included in that. He went on to say that the City receives \$8600 per million dollars of taxable revenue, which works out to a million dollars of revenue to cover the expense of upgrading City computers, or approximately five hundred thousand dollars of sales revenue to generate the funds budgeted for this event. He noted that we are lacking feedback from businesses on whether these events generate more revenue, and that it doesn't seem like a good investment of tourism dollars. He said that he would vote no on this for the next budget cycle, but if they are counting on the money that was budgeted for this year the City should honor that commitment.

Council Member Smeback said that he feels about the same as his fellow Council Members, saying that it was something that was presented in this budget, which we agreed to, and we should stand by that. He opined that it is tough to measure the benefits gained from tourism dollars spent, as people come in to see the event and our facilities. He commented that you have to decide whether to spend tourism dollars on an event such as this or a flier that is mailed out and possibly tossed in the trash.

P. Reports/Announcements

1. Mayor

Mayor Gawlik had no report.

2. Council Members

Council Member Overby had no report.

Council Member Smeback expressed concern over the dead and dying plant life surrounding homes that are currently owned by lending institutions, and asked if Code Enforcement Officer Brons could look into this. He wondered if the City could require that the owners keep the lots green to not prevent a potential fire hazard but also make them look more appealing.

Public Works Director Henne responded that the lending institutions sometimes ignore the City's request to comply.

Mayor Gawlik remarked that when he was doing code enforcement he had several repossessed properties owned by banks on the west side or out of state, and that after documenting letters to these institutions he was advised by the City Attorney to do the abatement process on the properties. He said

that the City would do what needed to be done to keep the properties green and prevent a fire hazard, and then file a lien against the title to recover expenses.

Council Member Jorgensen commented that they had a similar discussion on this matter a couple years ago.

Fire Chief Davis remarked that if there is a building on the property then Code Enforcement Officer Brons will take action; if there is no building then the Fire Department will take action. He noted that they start looking at potential fire hazards in April and May, and that they are currently dealing with some bad slopes between Crusher Canyon and Fremont.

City Administrator Kelly commented that when he was driving around looking at properties, he noted some properties that he passed along to Code Enforcement Officer Brons for citation. He asked City Attorney Noe if the City received money from a lien when the subject property is sold.

City Attorney Noe replied that a lien becomes a matter of title, so it would depend on how much equity in is the property and what the other liens are.

Council Member Tierney opined that the lien would be in first place.

City Attorney Noe responded that it would be after a secured creditor, and it would depend on whether there was equity left once the secured creditor is paid.

Public Works Director Henne asked how long the process would take.

City Attorney Noe replied that it depends on how long the property sits prior to being sold.

Public Works Director Henne wondered what would happen if a lien was filed while the property was in the process of being sold.

City Attorney Noe responded that he was unclear as to what he meant.

Public Works Director Henne said that a lien takes ninety days to go through, and asked if it would be against the property or against the owner.

City Attorney Noe replied that we have an administrative process for abatement that notifies the property owner, and if there is no response within ten days we can get an order of abatement, do property clean up, and then file a lien.

Public Works Director Henne asked how long that would take.

City Attorney Noe responded that it could be filed the same day or the next day; as soon as we incur the costs we can file a lien.

City Administrator Kelly remarked that the City could incur a fair amount of costs if this process was started on a property in the spring and not finalized until late fall.

Mayor Gawlik opined that we would need to look at the potential hazards, such as fire or health, which could spread to neighboring lots.

City Administrator Kelly commented that the two lots Council Member Overby had pointed out are substantial in size, and could be a major fire hazard.

City Attorney Noe stated that it would need to be addressed on a case by case basis, depending on whether it is a danger.

Fire Chief Davis noted that you also need to make sure you don't do abatement too early in the season, which may mean dealing with it in July rather than April or May.

Public Works Director Henne remarked that a gentleman on Wenas Road had approximately ten goats grazing and doing clean up on his property.

Council Member Jorgensen had no report.

Council Member Tierney said that he passed a video on to Police Chief Hayes and encouraged everyone to view it, as it is a great education.

Police Chief Hayes commented that it is mentioned on the Selah Police Department's Facebook page.

Council Member Tierney went on to say that it was produced by the Houston Police Department, and that it has some good guidelines for you, your family, and your employees. He recommended that people take a look at it as it is great training.

Mayor Gawlik expressed sadness that we have had to change our lifestyles due to terrorism and the activities of individuals who wish to commit violence.

3. Boards

4. Departmental

Parks, Recreation & Tourism Director Hagler talked about the Tree Top Skewered Apple BBQ and Fall Festival flyer, saying that he wanted to make sure everyone saw it. He noted that there was an ad in the paper and that this is a combined event between the City and Tree Top. He expressed his excitement over the event, noting that it is being held September 8 & 9. He mentioned that there are several fun activities and events happening, such as the Cruz at 6:15pm and an apple pie eating contest. He remarked that it has come together quite nicely, and that there should be several thousand people here for the event.

Mayor Gawlik asked if Parks, Recreation & Tourism Director Hagler really thought he needed to get into an apple pie eating contest.

Council Member Tierney inquired about the entry fee for a contestant in the barbeque.

Parks, Recreation & Tourism Director Hagler replied that it is likely several hundred dollars, noting that teams come from all over to compete.

Mayor Gawlik remarked that City Administrator Kelly has put his name down to be a judge.

Parks, Recreation & Tourism Director Hagler said that there will be a number of samples there. He noted that the pool was drained this past week. He went on to say that he has been in discussion with Public Works Director Henne and Public Works Utility Foreman Jones about fall pool maintenance, such as repainting the tank and building. He noted that the Kiwanis Club has volunteered labor to paint the building.

Council Member Jorgensen wondered at what point the City would have to talk with the Selah Parks & Recreation Service Area Board (SPRSA) about necessary expenditures for the pool.

Parks, Recreation & Tourism Director Hagler replied that, because of the property tax due dates, no levy taxes will be collected until April 2013. He noted that it should be approximately half collected in April and half in October.

Council Member Jorgensen asked if the City would decide what to spend money on and then go to the SPRSA Board, or if they would need to present it to the SPRSA Board prior to any expenditure.

Mayor Gawlik remarked that he thought the City would invoice the SPRSA Board.

Parks, Recreation & Tourism Director Hagler said that the SPRSA Board would need to have more input, and that he would get clarification on that.

Council Member Jorgensen opined that the SPRSA Board will need to be asked for approval before monies are spent.

Mayor Gawlik remarked that his understanding of it is that the City would need to fund the first half of the pool opening due to the collection cycle for property taxes.

Parks, Recreation & Tourism Director Hagler agreed, saying that this will be discussed during budget meetings in the next few months.

Council Member Jorgensen noted that this is in the agreement, along with the City being able to recover election costs. He went on to say that the City cannot make repairs to the pool without first notifying the SPRSA Board.

City Administrator Kelly remarked that the City works for the SPRSA Board insofar as pool matters are concerned, and the easiest way to deal with this is to sit down and have some dialogue on them. He added that the City deal with emergency issues when they happen, citing a chlorine imbalance or water leaking into the road as examples of an emergency.

Council Member Jorgensen agreed, saying that it may take a year or more to reach that point.

City Administrator Kelly replied that he hoped it would not take that long, saying that there will be several meetings right off the bat to foster an understanding between all parties.

Community Planner Davison said that there are a number of proposals coming up, including one from Mr. Torkelson and one from Mr. Garner, as well as a ten unit complex. He also mentioned that there will be a couple suggested annexations presented to Council at a later date.

Public Works Director Henne said that it is the recommendation of the consultant that the contractor has met the contractual requirements of rehabilitation for the 2011 reservoir improvements, even though we still have a leak. He went on to say his next recommendation is to fill them up and see how badly they are still leaking; we may need to bring in divers and do some dye testing to find the leaks.

Police Chief Hayes commented that the citizens' academy is going well. He commented that the Selah Police Department's Facebook page has videos of three officers getting tazed during a class, and noted that four citizens signed waivers to experience it as well. He said that National Night Out went well, and that smash the car was a big hit.

Council Member Tierney remarked that now he knows what happened to his Pontiac.

Police Chief Hayes commented that two of the three sergeants just finished first level supervision training. He went on to say that the entire department did training on the law enforcement training simulator from Canfield & Associates, which is essentially a large video game in a trailer. He noted that they are in finalizing a rewrite of the departmental SOP, and will be bringing to Mayor Gawlik and City Administrator Kelly for review. He commented that his son is back from his first tour of Afghanistan.

Fire Chief Davis said that they have finished with the documentation for the Washington State Survey Rating, noting that it is currently in Spokane for review. He went on to say that they will be in the area for up to two days doing a District and City evaluation, and that he expects they will stay at Class Rating Five.

Mayor Gawlik asked if that was good.

Fire Chief Davis responded that the City of Yakima is a four and may drop down to a five. He said that the best is a one but you don't see very many past the rating of a three, and noted that they typically do this approximately every ten to twelve years. He said that they have been working with Tree Top on the Skewered Apple Barbeque via phone and email, and that the association has very strict rules for the competitors. He commented that this is a preliminary event to advance on to bigger functions. He went on to say that they will do a regular inspection on Friday, followed by another inspection on Saturday once the vendors are set up. He remarked that the 200 block of Second Avenue is now owned by Tree Top, and he is working with Tree Top on emergency vehicle access. He added that they are also fencing part of the Tree Top campus, and that the entire campus will have to be fenced by 2013 per Department of Homeland Security.

City Administrator Kelly had no report.

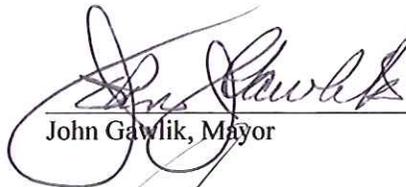
City Attorney Noe had no report.

Q. Executive Session **None**

R. Adjournment

Council Member Jorgensen moved, and Council Member Overby seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 7:48pm.



John Gawlik, Mayor

EXCUSED

Keith Larson, Council Member



Paul Overby, Council Member

John Tierney, Council Member



Kevin Jorgensen, Council Member



Dave Smeback, Council Member

EXCUSED

Allen Schmid, Council Member

EXCUSED

Brooke Finch, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer