

City of Selah
Council Minutes
July 27, 2010

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

A. Call to Order Mayor Jones called the meeting to order at 3:59pm.

B. Roll Call

Members Present: Paul Overby, Summer Derrey, John Tierney, Kevin Jorgensen, Dave Smeback,
John Gawlik

Members Excused: Keith Larson

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Joe Henne, Public
Works Director; Dennis Davison, Community Planner; Jerry Davis, Fire Chief;
Jeff Hagler, Parks & Recreation Director; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

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

D. Agenda Changes

Mayor Jones noted Agenda changes as printed.

E. Public Appearances

City Supervisor Frank Sweet introduced Dean Smith from the Washington Department of Ecology who presented an award to Selah's Wastewater Treatment Plant and staff the outstanding performance award for the 3rd year in a row. He said it takes a great deal of coordinated effort to achieve 100% compliance with NPDES Permit.

Mayor Jones called the WWTP staff forward, saying they do a great job. The Council and audience applauded the staff and their efforts. Lead Operator Todd LaRoche introduced Engineer Ted Pooler and thanked him for his part in the achievement of this award.

Mayor Jones moved to the Consent Agenda.

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

H. Proclamations/Announcements

I. Consent Agenda

Councilman John Tierney moved to remove M - 1 from the Consent Agenda.

Councilman Dave Smeback seconded. By voice vote, support was unanimous.

The Mayor read the Consent Agenda as amended.

- * 1. Approval of Minutes: Study Session & Council Meeting June 22, 2010
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 68790 – 68901 for a total of \$199,883.93
 - Payroll Checks Nos. 68902 – 69062 for a total of \$179,218.66
 - Claim Checks Nos. 56462 – 56576 for a total of \$355,965.54
 - Claim Checks Nos. 56577 – 56577 for a total of \$ 272.16
 - Claim Checks Nos. 56578 – 56578 for a total of \$ 630.43
 - Claim Checks Nos.
- * 3. Resolution No. 3 for SR 823 Turnback Agreement TB5-0057, WSDOT Wenas Corridor Improvements
- * 4. Resolution No. 4 Authorizing the Mayor To Sign an Agreement between the City of Toppenish and the City of Selah Regarding Building Inspection Services
- * 5. Resolution No. 5 Approving Progress Estimate Number 1 on the South First Street Water Main Replacement Contract
- * 6. Resolution No. 6 Approving Progress Estimate Number 4 on the Well Number 3, 4 and 8 Electrical Building Improvement Contract
- * 7. Resolution No. 7 Approving Progress Estimate Number 5 on the Well 8 Drilling, Casing, Testing and Pump Contract
- * 8. Resolution No. 8 Authorizing the Mayor To Sign an Industrial Wastewater User Contract with Yakama Juice, LLC
- * 9. Resolution No. 9 Authorizing the Mayor To Sign the Yakima County Fire Protection Districts and Cities Fire Mutual Aid Agreement
- * 10. Resolution No 11 Approving Payment of Invoice Submitted by Eco-Northwest for Stormwater Education Services Provided under the Terms of Their Professional Services Agreement with the City of Selah

Councilman Jorgensen moved and Councilman Gawlik seconded to adopt the Consent Agenda as amended. By voice vote, approval was unanimous.

J. Public Hearings

1. Public Hearing to Consider the Resolution Amending the Six-Year Transportation Improvement Program for the Year 2010 to 2015

Public Works Director Joe Henne requested the Mayor to open the Public Hearing adding South Rushmore Road to the 2010 - 2015 TIP.

Councilman Gawlik asked where Rushmore Road would be placed on the priority of that TIP.

Mr. Henne responded that he would place it as priority No. 17.

Mayor Jones opened the Public Hearing. Seeing no one rise to speak, he closed the Public Hearing.

Councilman John Tierney stated the Council would previously only fund \$65,000 of the Rushmore Road Project, but now we're up to \$148,000. He asked if the City will still be able to fund that with the accounts the Public Works Director previously referred to.

The Public Works Director said when state came out, they changed the amount of the grant.

K. New Business

1. South Rushmore Road – CMAQ Paving – Notification of Funding

The Public Works Director said this is provided for information only.

2. Appointment of a Representative to the Public Facilities District

Mayor Jones reported that he asked Allen Schmid to fill the PFD position, explaining that Mr. Schmid has been working with the GYGSA and looking to promote tourism for the last two years. He said Don Skone told him he wouldn't mind doing something civic, but wouldn't take this if someone else wanted it.

City Supervisor Frank Sweet explained the origins of Public Facilities District control sales tax dollars going back into that district from the state to do improvements to the Convention Center. He said that since that time there's been a mix of what is being done with that money when initially it was promised that improvements would be made to Selah's Civic Center. Councilman Tierney asked if we have any kind of job description for that person so that he knows our expectations of him in that position. Mr. Sweet responded that we do not. He noted Mike Fausto has been our representative and has done a fine job. He said the intent is to have Allen Schmid attend the first meeting, find out what they are doing and come back to the Council to report and get direction. He said the same is true of Donna Garner's position on the Tourism board.

Councilman John Tierney moved Council support for the appointment of Allen Schmid to the PFD. Councilman Kevin Jorgenson seconded. Roll was called. Support was unanimous.

Councilman Gawlik asked if Selah is seeing any kind of return on those things sponsored by the Convention Center.

The City Supervisor noted that more return has come to North Park Lodge from the Sundome than from the Convention Center.

L. Old Business

1. Wixson Park Playground Equipment – Special Project

Parks & Recreation Director Jeff Hagler addressed Item L - 1 noting he was directed to come back with comparables. He reminded Council that this project was begun through the efforts of community based churches called CityFest. He said the Community has pledged to raise 50% of the total cost.

The City Supervisor said Jeff Hagler looked at those things that could be compared.

Councilman Overby asked if that is going to be a problem if more is not comparable.

The Parks & Rec Director said it's a community project NWR wants to donate to; they wouldn't go forward with the project unless the community part came in.

The City Supervisor said Mr. Hagler is asking the Council today to approve funding of up to Mr. Hagler said the Selah Parks Foundation has already pledged \$8,000 toward this project in addition to what the churches will collect. He noted churches have indicated they have raised about \$6,000 so far, and were applying to the Yakima Valley Community Foundation for about another \$8,000. The City Supervisor summarized that Mr. Hagler is asking the Council to approve up to 50% (or a maximum of \$21,698.21) as long as the community raises the other half.

Councilman Overby moved approval of L - 1. Councilman Tierney seconded. Roll was called. Councilman Overby – yes; Councilwoman Derrey – yes; Councilman Tierney – yes; Councilman Jorgensen – yes; Councilman Smeback – yes; Councilman Gawlik – yes. Support was unanimous.

M. Resolutions

1. Resolution Authorizing the Mayor To Sign an Amendment to the Lease Agreement between Garner Rentals (Lessor) and the City of Selah and Yakima Valley Library (Tenants) Dated April 27, 2010

Mr. Sweet explained that the language change in the Lease Agreement pulls it into compliance with other leases:

Councilman John Tierney moved and Councilman Smeback seconded to approve M - 1. Roll was called. Councilman Overby – yes; Councilwoman Derrey – yes; Councilman Tierney – yes; Councilman Jorgensen – yes; Councilman Smeback – yes; Councilman Gawlik – yes. Support was unanimous.

2. Resolution Amending the Six-Year Transportation Improvement Program for the Years 2010 to 2015

Councilman Overby moved approval of the Resolution Amending the Six-Year Transportation Improvement Program for the Years 2010 to 2015. Councilman Tierney seconded. Roll was called. Councilman Overby – yes; Councilwoman Derrey – yes; Councilman Tierney – yes; Councilman Jorgensen – yes; Councilman Smeback – yes; Councilman Gawlik – yes. Support was unanimous.

* 3. Resolution for SR 823 Turnback Agreement TB5-0057, WSDOT Wenas

Corridor Improvements

- * 4. Resolution Authorizing the Mayor To Sign an Agreement between the City of Toppenish and the City of Selah Regarding Building Inspection Services
- * 5. Resolution Approving Progress Estimate Number 1 on the South First Street Water Main Replacement Contract
- * 6. Resolution Approving Progress Estimate Number 4 on the Well Number 3, 4 and 8 Electrical Building Improvement Contract
- * 7. Resolution Approving Progress Estimate Number 5 on the Well 8 Drilling, Casing, Testing and Pump Contract
- * 8. Resolution Authorizing the Mayor To Sign an Industrial Wastewater User Contract with Yakama Juice, LLC
- * 9. Resolution Authorizing the Mayor To Sign the Yakima County Fire Protection Districts and Cities Fire Mutual Aid Agreement
- * 10. Resolution Awarding the Construction Contract for Crusher Canyon Road Repair

Councilman Tierney moved approval of the Resolution Awarding the Construction Contract for Crusher Canyon Road Repair to Columbia Asphalt. Councilman Jorgensen seconded. Roll was called. Councilman Overby – yes; Councilwoman Derrey – yes; Councilman Tierney – yes; Councilman Jorgensen – yes; Councilman Smeback – yes; Councilman Gawlik – yes. Support was unanimous.

- * 11. Resolution Approving Payment of Invoice Submitted by Eco-Northwest for Stormwater Education Services Provided under the Terms of Their Professional Services Agreement with the City of Selah
- 12. Resolution Authorizing the Mayor To Sign the Interlocal Agreement To Establish the Yakima Consortium for Regional Public Safety

City Supervisor Frank Sweet explained that Resolution M - 12 has been authorized by everybody except Selah, Harrah and Wapato. He said the theory behind this agreement was to combine a record system. He said the shortfall in funding will be made up by Yakima and Yakima County.

Fire Chief Jerry Davis said Spillman is making a national program to cover this.

Councilman Tierney moved approval of the Resolution Authorizing the Mayor To Sign the Interlocal Agreement To Establish the Yakima Consortium for Regional Public Safety. Councilman Gawlik seconded. Roll was called. Councilman Overby – yes; Councilwoman Derrey – yes; Councilman Tierney – yes; Councilman Jorgensen – yes; Councilman Smeback – yes; Councilman Gawlik – yes. Support was unanimous.

- 13. Resolution Authorizing the Mayor To Sign a Tourism Development Project Agreement with Theresa LaCroix

Parks & Recreation Director Jeff Hagler addressed Resolution M - 13, noting he contacted Theresa LaCroix, a professor at Central Washington University regarding the development of tourism in the area. He reviewed the document

Councilman Overby said we've been talking about these things in other committees, expressing approval of the plan.

Councilman Kevin Jorgensen said Donna Garner, Jeff Hagler and Jean Brown, new Chamber President, have been discussing this. Mr. Hagler reviewed projected goals and benefits of the program.

Councilman Jorgensen moved approval of the Resolution Authorizing the Mayor To Sign a Tourism Development Project Agreement with Theresa LaCroix. Councilman Tierney seconded. Roll was called. Councilman Overby – yes; Councilwoman Derrey – yes; Councilman Tierney – yes; Councilman Jorgensen – yes; Councilman Smeback – yes; Councilman Gawlik – yes. Support was unanimous.

14. Resolution Adopting a Green House Gas Policy

City Supervisor Frank Sweet explained that a Municipal Green House Gas Policy is required for eligibility for state funding. He said Ted Pooler said the Public Works Board developed a boiler plate policy. He said there will be some reporting requirements in the future.

Councilman Overby said this sounds like City administration requirements. He moved approval of the Resolution. Councilman Gawlik seconded. Roll was called with Councilman Tierney dissenting.

Councilman Overby moved approval of the Resolution Adopting a Green House Gas Policy. Councilman Gawlik seconded. Roll was called. Councilman Overby – yes; Councilwoman Derrey – yes; Councilman Tierney – no; Councilman Jorgensen – yes; Councilman Smeback – yes; Councilman Gawlik – yes. Mr. Tierney dissented.

N. Ordinances

O. Communications

1. Oral

P. Reports/Announcements

1. Mayor

2. Council Members

3. Boards

4. Departmental

a. Yakima Transit – June Ridership

b. Washington ASA 18U Fastpitch Champs

c. Recycling Report from BDI – 2nd Quarter 2010

d. Tourism Promotion Area Hotel/Motel Commission

e. Minutes Yakima County Gang Commission July 20, 2010

Bob Tuck addressed the Council, inviting them to observe the spring Chinook spawning in American River. He invited Council Members to come to Hell's Crossing Campground sometime over the next 2 weeks at 11:00am of an hour to hour and a half in the outdoors watch the spawning salmon, bring a lunch or go the Whistling Jack's.

Clerk/Treasurer Dale Novobielski reported that last week he completed the second quarter financial summary and has been notified that the Chair would like to have a Financial Committee meeting the first part of August.

Parks & Rec Director Jeff Hagler reported the 18U Western National Tournament August 4 through the 8th. He praised GYGSA and Allen Schmid - UW Softball in September 25. Councilman Smeback asked if local restaurants are being advised of these teams coming to town so that they are prepared to serve them.

Fire Chief Jerry Davis reported they've been busy with mutual aid.

Councilman Paul Overby said the City should take a serious look at all of the stuff that is out there twitter, Facebook , etc. as we're pursuing tourism.

Councilman Kevin Jorgensen said \$21,000 Cityfest is a great investment in the City.

Councilman John Gawlik read a brief statement because he wants to be accurate. Rule of exparte communications. He said he promised constituents he would be fair, open and transparent in his decision-making process. He said several weeks ago a constituent sent a letter to council members, which he was advised not to open. He said he returned letter to attorney. Asked if he had read it challenged

City Attorney Bob Noe said the Hearing Examiner has received a copy and it will be a part of the record that the Council will review.

Councilman John Tierney expressed concern about getting emails from constituents. He asked if the City could provide an email device?

City Supervisor Frank Sweet said he is concerned because of what happened last year with information flying all over. Councilman Gawlik expressed his gratitude for the call and the advice.

The City Attorney said a Council Member must disclose expartee communication but would not necessarily be excused/recused from sitting on an issue.

Mayor Jones said he and councilman Overby participated in the Relay for Life golf tournament. He reminded Council Members of the Stars Banquet on Friday.

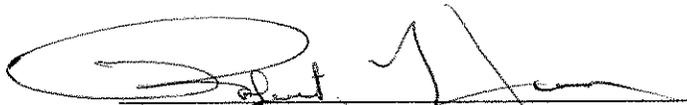
Q. Executive Session

No Executive Session was scheduled.

R. Adjournment

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

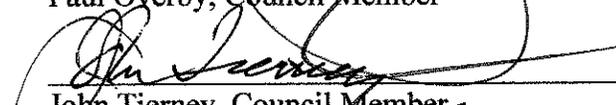
The meeting adjourned at 5:29pm.



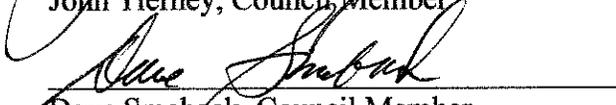
Robert L. Jones, Mayor



Paul Overby, Council Member



John Tierney, Council Member

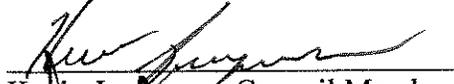
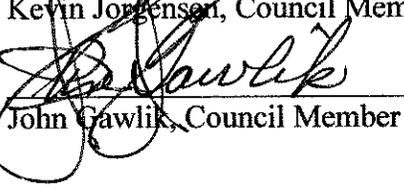


Dave Smeback, Council Member

(Excused)

Keith Larson, Council Member

Summer Derrey, Council Member


Kevin Jorgensen, Council Member
John Gawlik, Council Member

ATTEST:


Dale E. Novobielski, Clerk/Treasurer

Selah City Council
Study Session
July 27, 2010

Administrative Assistant Julie Gray announced that Noemi Ortega is not available to give the census update to the Council today. She said members of the Business & Community Relations Committee can introduce the Business Registration proposal.

Councilman Tierney asked if the State takes a "cut."

The Admin Assistant responded that the state applies a flat fee, and the Committee has looked at ways the City could cut back City fees to compensate for the difference.

Councilman John Gawlik gave his background with the Liquor Control and the Master License Service. He noted that having worked with it for about 18 years, the program does work. He said it would work for the City Administration. He noted those businesses that sell liquor will have experience with this because they've used the Master License for several years. He said we may have to help businesses identify the materials that deal with them.

The City Supervisor said the issue for the City was streamlining, forms, postage. He said the State will enforce local participation, and the City will go through the same approval process.

Councilman John Gawlik said the State does the enforcement including renewal documents, and they will assess penalties for nonrenewal.

The City Supervisor said they were glad to find out it is an enterprise fund that does not rely on tax dollars.

Councilman Gawlik said it is a revenue generating process.

The City Supervisor said this is before the Council today so we can learn whether we should just bag it or go ahead with the process.

Councilman Overby asked if this will require ordinance changes, changes in fees, etc. He noted we have had discussion about business operating more than one business under the same roof.

Fire Chief Jerry Davis said the Fire Department spends hours with fire inspections, noting Saturday he was involved in an inspection for Asadero, a new restaurant in town.

The City Supervisor said the City still has to do all of the same things, even if that means issuing a provisional license.

Councilman Gawlik asked why the fire department can't refuse to inspect outside of regular business hours.

Chief Davis responded that they've been instructed that Selah is a User-friendly City. He noted his department is the only one to go through every building in town to inspect it

each year. He said they may spend forty hours inspecting Tree Top and five minutes on a barbershop, and they pay the same fee.

Councilman Gawlik suggested we establish an ordinance to reflect extra hours spent by various departments in inspection.

Councilman Tierney said you want to remain business friendly.

Councilman Kevin Jorgensen asked about insurance carrier initiated inspection and the possibility of the fire department signing off on risk management inspections.

Councilman Gawlik said 99% of business operators are going to be up front and in line.

Frank Sweet said we will still have the same local control and same responsibilities.

Councilman Gawlik suggested getting the Council's consent to move ahead and have a committee look at ways to provide for a smooth process.

Public Works Director Joe Henne said the Building Department also has some issues and spends some time with inspections.

Councilman Gawlik noted they have access to permit fees.

Frank Sweet said perhaps we should look at budget cycle regarding inspection fees.

Chief Davis expressed his frustration that the state moves too slow; saying his main concern is communication.

Councilman Overby proposed the City look at this, because the City has to look at efficiency.

The City Supervisor said he thinks the system is automated.

Mayor Jones said it can be a nightmare. The state can have a little more force than we do, but he said he's willing to try it.

Councilman Jorgensen said we would not be locked in or life.

Councilman Gawlik said just because we are using the state processes doesn't mean we're losing control.

Councilman Smeback said he's okay with it.

Councilman Overby suggested we move ahead with it.

The Mayor declared a ten-minute recess. At 3:50pm.