

City of Selah
Council Minutes
November 10, 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 4:00pm.

B. Roll Call

Members Present: Denise Nichols, Paul Overby, John Tierney, Summer Derrey, Kevin Jorgensen,

Members Excused: Dave Smeback, Keith Larson

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

C. Pledge of Allegiance

Councilman Kevin Jorgenson led the Pledge of Allegiance. Pastor Doug Perkins led the group in prayer.

D. Agenda Changes

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. Letter to Senator Jim Honeyford from Toppenish City Council

b. Letter from Jeanette "Jeanie" Knox

H. Proclamations/Announcements

I. Consent Agenda

Councilman Overby moved the addition of Items M-4, M-5, and Item M-6. Councilmember Tierney seconded the motion.

Police Chief Dwarshius also stated that due to a copy error, that articles 3-8 would not be included on the agenda item M-4. He stated that the basis of this agenda item is that the compensation went up 12% over last year; it is now \$45 per day at the Wapato Jail. He said that he doesn't see any changes other than that.

Mayor Jones read the Consent Agenda as amended.

- * 1. Approval of Minutes: Council Meeting October 27, 2009
- * 2. Approval of Claims & Payroll
 - Claims Checks Nos. 55122 – 55199 for a total of \$ 118,984.27
 - Payroll Checks Nos. 67144 – 67264 for a total of \$ 180,581.66
- * 3. M-3 Resolution Authorizing the Mayor To Sign Change Order Number 1 for the Speyers Road Improvements
- * 4. M – 4 Resolution Authorizing the Mayor To Sign the Interlocal Correction/Detention Agreement Between the City of Selah and the City of Wapato
- * 5. M – 5 Resolution Authorizing the Mayor to Notify the Yakima Valley Conference of Governments to the City of Selah's Intent to Continue Participation at the Specified Assessment for 2010
- * 6. M – 6 Resolution Authorizing the Mayor to Notify the Yakima Valley Conference of Governments of Selah's Intent to Continue Participation at the Specified Assessment for 2010

J. Public Hearings

- 1. Public Hearing – Railroad Avenue Right-of-way Vacation by City of Selah

Community Planner Dennis Davison addressed this agenda item. He stated that this is a two part item: the first part is the public hearing. The second portion, the very last item on the agenda, is adopting an ordinance vacating the right-of-way. He stated that there is a finding of fact prepared for Council to adopt and there's also a map on the last page of the packet showing the area to be vacated and a subsequent area adjacent to it (just west of it) which is for the acquisition for realignment of Railroad Avenue. He said he thinks that we all know where it is at. He stated that there is a foot-wide strip of land which was dedicated for public purposes many years ago. He said the right-of-way is presently paved and serves Larson Fruit and Matson Fruit. There are utilities buried beneath it as well as a water line and a couple of sewer lines that we would want to retain utility easements for. Properties to the East and West of it are zoned industrial. It is designated industrial in a comprehensive plan. The SRA 23 project which includes Railroad Avenue is designed to realign the roads connecting Railroad Avenue to the south to make an easier curve for semi-trucks to access that location. The Public Works Department had recommended approval maintaining the right-of-way easement of the entire piece we are going to vacate. And because of the kinds of problems, they recommended vacating and merging in right-of-way into abutting properties to the East and West, which is Larson Fruit. He stated that the City recommends approval of the vacation. He stated that there are also Draft Findings of Facts that the Council would want to adopt prior to vacating the property, basically a restatement of the facts that will be put in the staff report in case there is a benefit to the re-aligning of the road. It also contained the statement that if the vacation is to be adopted, the City will maintain or retain the utilities that exist across that right-of-way. Also included is the statement that the right-of-way, if vacated, would be quit-claimed to the abutting property owner on the east and west which is Larson Fruit. He stated that the portion to be vacated is a 6600 square feet strip of property. The parcels which are to be acquired are in two chunks; north and south of the alley, totaling 9700 square feet. He stated that the deed to acquire the right-of-way

has not been prepared and signed by the fruit company yet. He stated that the City recommends that if the Council approves the vacation, that it be contingent upon Larson signing the quit-claim deeds, dedicating 9700 square feet to the City for a new road. He then asked if there are any questions.

Councilmember Tierney asked if the City looking for a straight land trade.

Mr. Davison stated that is his understanding.

Mr. Henne stated that if you go down to Railroad Avenue to the south, it is probably 200 feet off of that from Railroad Avenue to the North. He said what the City is trying to do is make this area more of a four-way intersection to facilitate truck traffic moving north to south across the street. He explained that they are trying to bring those two roads more into alignment.

Councilman Tierney asked if we have had discussions with Larson Fruit about the trade.

Mr. Henne stated that we have had these discussions.

Councilman Tierney asked if they are amenable to the idea.

Mr. Henne stated that they are amenable. He stated that the City simply hasn't received signed quit-claim deeds as of yet. He stated that there have been some negotiations on it because we are asking for 9000 square feet and are giving up roughly 6000 square feet.

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

K. New Business

L. Old Business

M. Resolutions

1. Resolution Accepting the Rutger "Notice of Intent To Annex Petition" with Four Conditions

Community Planner Dennis Davison stated that he spoke with Mrs. Rutger, and she is working with a realtor to sell her property. She has not decided whether she will make the improvements along the road with the guardrail or whether she will sell at a discounted price and let the purchaser worry about that. He said he recommends that the Council reject the annexation petition without prejudice so that if six months from now she decides to resubmit the annexation petition, it will be fresh and new. Under these circumstances, the Council wouldn't have pre-decided whether to approve or reject the annexation.

Mayor Jones asked if she would have to pay the fee again if she re-submits in the future.

Mr. Davison stated that there is no fee for annexation.

Mayor Jones asked what the \$330 dollars is for.

Mr. Davison stated that this is for the Outside Utility Agreement – that this is a different issue.

Councilmember Overby asked if we are facing some kind of time limit as to how long we have to respond to an annexation petition.

Mr. Davison responded that the statute said you have to have a hearing whether to accept or reject the petition. He stated that his recollection of reading the resolution is that it's not clear if there's a specific time limit. He said we just don't want to keep continuing it every two weeks. Once we actually get the formal petition signed and submitted, then the RCW requires a hearing within a specified period of time, but right now we are just looking at re-initiation again.

Mayor Jones said that we have a motion and a second to reject this (as stated). Mayor Jones polls the Council. All are in favor of rejecting the petition.

Councilman Overby Moved To Reject the Rutger Petition without Prejudice. Councilman Jorgensen seconded. Roll was called: Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes. Support was unanimous.

2. Resolution Authorizing Mayor To Sign the James Outside Utility Agreement

Community Planner Dennis Davison stated that that the Council is aware that the James' petitioned the City for an Outside Utility Agreement to serve a new residence to be located on their property at the intersection of Selah Loop Road and East Goodlander Road, just immediately North of the High School. He said in 2001, the Council approved an Outside Utility Agreement for an existing residence since they had some failing systems up there. Now they propose to locate a new residence on the property for their son and his family. The Health District will require an Outside Utility Agreement because the Health District won't allow an on-site septic tank and a well with public utilities located as close as they are He said the James' need the City to approve the Outside Utility Agreement so that Yakima County would approve a short-plat dividing the property into two separate parcels of land. He said it is at the discretion of the Council whether to approve or not approve the Outside Utility Agreement and that decision is not appealable.

Mr. Davison stated that we went through the Codes regarding Outside Utility Agreements, and the applicants have complied with the regulations in the agreement such as it will be recorded if it's approved. They will pay the connection fees, they won't oppose annexation, they will work with the City to go to the Boundary Review Board on any water and sewer extensions, and they will sign in favor of any and all notices of petitions presented to them for annexation. He said water and sewer utilities are presently there on East Goodlander Road and the City has had a policy in the past of authorizing Outside Utility Agreements to serve existing residences that are being proposed, but in his case, there is no emergency that exists for a failing system. And the staff has recommended denial of the proposal as being non-compliant with current City policy but did include the Outside Utility Agreement for consideration by the Council. Also included is the resolution approving the Outside Utility Agreement if Council will choose to do so. He then stated that unless the Council has questions, he will turn the meeting back over to the Mayor.

Councilmember Nichols confirmed that if she remembered correctly, the James have one Outside Utility Agreement and are looking at subdividing and making a second residence. She asked how this would differ from someone else coming and asking for an Outside Utility Agreement.

Mr. Davison stated that the Council's policy for the last few years has been that if you have a failing system, either water or sewer, the City will entertain a request for an Outside Utility Agreement. But it

has also indicated that if you want to have City services, you need to join the party and annex to the City of Selah. In this situation, it's not a failing system that's driving the purpose of the Outside Utility Agreement; it is to construct a new structure. The policy of the Council in the past is to agree to an Outside Utility Agreement only in the case of existing structures with failing systems.

Councilmember Nichols stated that part of the deal is that the James agree to annex to the City of Selah when the time is right.

Mr. Davison stated that they have agreed that they won't oppose annexation when the time comes.

Councilmember Nichols said she doesn't understand what the big deal is that they don't have a failing system. She pointed out that if they were annexed into the City of Selah, the City would be providing water and sewer to them.

Mr. Davison agreed that this is correct.

Councilmember Nichols stated that, in this case, they are not annexed yet. But at a time in the future, they can't oppose the annexation, so they would be a part of the City. So at this point, they would be paying the same amount for an Outside Utility Agreement as anyone else who is requesting water and sewer.

Mr. Davison stated that they would be paying a surcharge. He said that they would be paying 50% additional for water and sewer charges than residents inside the City. But they pay no taxes to the City other than the Outside Utility Agreement. He stated that the reason the City has recommended denial is that the City has told others (with vacant properties who have wanted to subdivide in the county and create two or more Outside Utility Agreements to go along with the subdivisions) that they need to annex since there are no failing systems. This has been the policy under which the County has operated. He said if the Council decides to change the policy to alter it, then that's the Council's choice and if the Council does decide to do this, then the staff will start providing that information with the Outside Utility Agreement.

Councilmember Nichols asked if, after the last time they were here, the City staff sat down with the James to discuss all of their options.

Mr. Davison stated that he discussed annexation issues with the James. He stated that Mrs. James was indicating that the property owners immediately to the east and farther east down by Lancaster Road, spoke favorably about signing petitions. He said he called her and left a message yesterday indicating that signing petitions for annexation might go a long way toward convincing the Council to approve the Outside Utility Agreement.

Councilmember Nichols stated that an annexation is a longer process than an Outside Utility Agreement.

Mr. Davison stated that annexation is a process that takes approximately six to nine months.

Councilmember Nichols asked if the Rockwells have been approached about annexation.

Connie James said that she hasn't spoken with them in the last couple of days. But in past, they had seen each other a lot. She said that, as of last summer, they were in favor of annexation. Mrs. James said she also spoke with other neighbors and received signatures on the annexation petition from them.

Councilman Tierney stated that the James provided the City with a letter. He read a reference to the land use projections in the Urban Growth Area, noting he did not find reference to failing systems being a prerequisite. He said, to the contrary, he finds that numbers 1-6 of the service areas policy states that the City will make every effort to provide domestic water service to new customers with Selah's future service area. He asked if this was correct.

Mr. Davison stated that those policies are not correct. He stated that in the Comprehensive Plan and also (he believes) in some water and sewer plans, the City will consider Outside Utility Agreements with conditions to serve areas in our Urban Growth Area. However, if a person is a half-mile away or doesn't have any water or sewer anywhere near they will not.

Councilmember Tierney asked if they must be contiguous to City boundaries.

Mr. Davison said that yes, they will provide it to the contiguous property. He said that the Council's past policy has been an insistence on policy. The issue is that the persons outside the City will reduce the City's ability to serve residents in the City.

Councilmember Overby asked how long that policy has been around.

Mr. Henne said it has been many, many years.

Councilmember Overby said that it was prior to 1995.

Mayor Jones said that the word "precedent" keeps coming back to haunt us. He said that the James have a special issue, and he'd like to see them have what they are asking for. But he is concerned that another person will come forward down the line and remind the Council that they made an exception for the James and set a precedent. He said it would be hard to say no to them at this point, and it goes on and on from there. He said we have lots of undeveloped lots that we have to provide sewer and water for. He said if we keep annexing outside of our boundaries and at some point in time, the people with the undeveloped properties get ready to develop them, we will have to add onto our treatment plants and our well capacity to accommodate them.

Councilmember Nichols said she wanted to know if the money that was already put into wells, upgrading the wells, and the sewer treatment plan added capacity to our City.

Mr. Davison said that he cannot answer that question.

Mr. Henne said yes.

Mayor Jones said yes and no. He said that, yes, we do have increased capacity, but he did not know what the consumption will be for the lots that are yet undeveloped. He said Valhalla has some 30 lots, and we have another annexation pending in Cherry Blossom Ridge. He said we've still got Heritage Hills, and we've got Speyers. He said we've got a lot of annexations right now inside of City limits that have not been built on.

Mayor Jones said that personally, he would like to see the James go out and get the Bowers. He said he doesn't know if the property below the Bowers is owned by one person or if that person owns the vacant space also.

Connie James said that Earl Schmidt owns that. She said she also has Earl Schmidt's signature on the annexation petition.

Mayor Jones asked if Dan Bower's signature is also on the petition.

Connie James said that Dan would try to be here by 4:00pm.

Councilmember Jorgensen asked if there are connection fees. He said that is capital recovery. He asked if there is a one and a half times charge on the connection fees for the Outside Utility Agreement.

City Attorney Bob Noe said he thinks there is a monthly surcharge on the rate, but the connection fee is the same because the connection fee is cost recovery. You can't try to recoup more than what the actual cost is, you can't have a surcharge on a cost recovery. He said the connection fee is the same but the rate is not.

Councilmember Jorgensen said that as he understands our strategy, to expand the client capacity, there is a cost associated with that. What the connection fee is about is recovering cost associated with expansion. So as we get near capacity, then we've obviously been collecting or recovering expansion costs. And we will do the same thing the next time we have to expand capacity.

Mayor Jones asked Dennis if it's a straight line going from Goodlander to Lancaster. He asked if Mr. Davison thinks that the Boundary Review Board would accept that type of annexation.

Mr. Davison stated that the south boundary is not going to be a real consideration. The consideration is going to be the north boundary because the property doesn't belong there at all. It's not a straight line.

Councilmember Jorgensen said the map he is looking at we've talked about in the past about trying to keep it in solid blocks and it's pretty hard to keep it in a straight line.

Mr. Davison said that it can be done, however. He said if you look at the James' property, which is 33809, then you look at the next one to the East, which is not 33030 but 33029. You have that leg jogging down there then you've got 33017. That's right next to Lancaster.

Councilmember Jorgensen asked if this would be acceptable, according to the Boundary Review Board.

Mr. Davison said that they would accept that or they would add to it. They have the authority to add to it, but when you've got irregular boundaries, the way the property is shaped, you can't help it. You have got to go with what you have been given and convince the Boundary Review Board to follow the irregular boundaries.

Councilmember Jorgensen asked Mr. Davison if this property were to be annexed, whether the lot that's described on the drawing (or proposed division of that parcel) would be subject to subdivision requirements for curbs, paving requirements, stormwater requirements that go along with subdividing a parcel on a 40-acre parcel.

Mr. Davison answered yes and no. If that was done after annexation, the City would impose requirements. If it was done before annexation, while still in Yakima County, they should require it. He said he doesn't guarantee that they will require it, however. He said the City will submit letters strongly suggesting that they require the improvement, but whether they will approve it for a 2-lot short plat, he didn't know.

Councilmember Jorgensen asked if the improvement will affect the driveway.

Mr. Davison said no, it wouldn't. It would be curb and gutter put there. It would be a curb cut, for if it's required that there be a curb cut for the driveway referred to for the proposed driveway.

Councilmember Jorgensen asked, for a proposed driveway, would it have to have curbs, gutter, storm-water drainage. He asked if, additionally, the parent parcel would have to have the same.

Mr. Davison stated that this is the way the County has done it in the past. They would include both parcels. If you have more than that, it would be further extended because this would be an opportunity to get public improvements.

Mr. Henne stated that he doesn't think that anyone will see much in the way of improvements because the County has already put in a new guardrail down on the corner. He said that what people see is what is going to stay. A person might see some improvement down below where the driveway would be, curb and gutter, maybe, but from there around the corner, there's a new guardrail.

Councilmember Nichols asked if the City requires so much frontage per resident.

Mr. Davison stated that creating a lot in the City requires a minimum of sixty feet.

Councilmember Nichols said that this property wouldn't have that.

Mrs. James stated that it does. She said that the existing driveway that's already curbed would be the driveway to the proposed lot.

Mr. Davison said that there is sixty feet of frontage in front of the James property, according to the map.

There was some discussion of what might have happened if the James had petitioned before 1995.

Mayor Jones explained that the problem they've got is, they're so close to public utilities and the Health District says they've got to get permission to connect. Otherwise, they will not approve them for a subdivision.

Mr. Davison said that, in the City, you would annex, then short-plat the property. Everything would have to be done to City Code. He said that if you want to follow the adopted Comprehensive Plan, then you could get it zoned R-2.

Mayor Jones asked whether the conditions, if approved, are applicable to the James and to their son, or just to the James.

Mr. Davison said that this would be a separate agreement from the new parcel of property, which is currently owned by Paul and Connie James. He said that it would be applicable to them at the start. If they were to transfer it, there is a clause that says when someone buys property, the new owners would be provided with a copy of the Outside Utility Agreement. They sign a document at closing which gets recorded, acknowledging they received, reviewed and agreed with the terms of the Outside Utility Agreement, so they can't oppose the annexation saying they don't know anything about it.

Councilmember Overby said that it might be best not to make a decision on this now. Otherwise, we would have to have a lot of conditions, saying that it needs to comply with certain restrictions that the City would want.

Councilmember Jorgensen said that he really wished that the Council had an idea of how many potential parcels exist within 200 feet of existing sewer and water service because the Council is talking about an established policy that they have enacted under, whether someone is a developer and wants to take that 4-acre parcel into 16 lots and put duplexes and condos on all of them, or it's a private property owner wanting to make a one-acre parcel out of it. The policy part of the City that says to annex and let you in, but if you've got a failed system and it's a crisis, a person would be able to connect at this point. He stated that he is little bit reluctant to go outside of that policy without further studying how many. He states that if we start allowing exceptions, then a developer could come in and say the same thing "you guys have made exceptions with Outside Utility Agreements, so we want to develop parcels based on 200 feet of proximity to sewer and water." We'd better get ready to expand the plants as well. We have the same problems with subdivision. He asked what ability we have to impose curbs, gutter, sidewalks, lighting, and all these things on properties in the county, not in the City.

Mr. Henne said the problem is that the policy does not distinguish whether it's for a single home on one lot or whether it is going to be twenty homes on one lot. It has always just been for failing systems.

Councilmember Nichols asked if the James already had one Outside Utility Agreement.

Mr. Henne stated that this is correct. They had a well going bad.

Councilmember Nichols asked why they have to apply for a second Outside Utility Agreement.

Mr. Henne said the OUA was for the existing house.

Councilmember Jorgensen added that you can only have one house per parcel.

Mr. Davison said they have to create a second parcel for the second house. He said that the reason why the OUA was written the way it was is to accommodate the one house with the failing system, not to accommodate the property. Someday they may want to develop it. He said since he's been here, the City's always limited it to serve the existing house, mobile home, modular, or whatever. Whatever the situation was, whether it was water, sewer or both that were needed, there was always the caveat in there that expressed that limitation.

Public Works Director Joe Henne said that he wants everyone to understand the Comprehensive Plan on water and sewer does require the City to plan for the Outside Utility Agreement. He said what we are working on having the utilities to handle the areas that are still not developed, that these things are being given consideration. It's just that if services are going to have to go out further, there are going to have to be improvements.

Mayor Jones asked if a petition for annexation with the James, Dan Bowers, and the Smiths, has a straight line.

Mr. Henne said it's contiguous.

Mayor Jones said, yes, it's contiguous to our boundaries. He said he would feel a lot more comfortable approving an Outside Utility Agreement and taking our chances with the Boundary Review Board,

accepting it into the City if they would do that and come in with the condition that they would follow all City ordinances.

Councilmember Jorgensen asked to also let the process go ahead and play out in six months.

Mr. Henne said that Outside Utility Agreement language does not indicate that the parties need to follow our zoning.

Mr. Davison said that it needs to follow our zoning and our Codes.

Mayor Jones said that he thinks that the key is the people who are signing the petition for annexation.

Mr. Henne said that we can continue with that section at a relevant time.

Mayor Jones asked Connie James if she has a signed petition.

Connie James stated that she has two of them.

Mayor Jones asked her to hand those to Dennis.

Connie James said that she has two petitions signed. She noted Mr. Bowers was working and wasn't able to sign his today, but he's in agreement to sign. Unfortunately, he wasn't able to come to the meeting.

Mr. Davison said that the Smiths are at the corner of Goodlander and Lancaster.

Mrs. James said that 33029 and 33030 are both owned by the Bowers, and they will sign. She said she can get that finished up tonight and have it signed tonight.

Councilmember Jorgensen asked if 33029 and 33030 are willing.

Connie James said yes.

Councilmember Jorgensen said that this is significant because it's 60% of the land and then some.

Councilmember Nichols said it's the majority of the property.

Mr. Henne asked if these documents can be recorded regarding the property and signed with a letter from the City. He asked if the petition would be any good if someone decided to sell it a year from now.

Mayor Jones said he'd feel a lot more comfortable if the Council set a precedent of giving an Outside Utility Agreement for a brand new structure.

Councilmember Jorgensen asked if the Council agrees to an Outside Utility Agreement, would the one and one-half times surcharge then go back to the normal rate if someone were to annex into the City.

Mr. Davison said that once we receive the other petitions, the statute requires that after 40 days from the day of receiving sign and intent issues, the Council has to take action, either to proceed with the annexation or tell them no.

Mr. Henne said that you could annex in just the one parcel (James) since it is contiguous, a person simply needs to go through with the procedure for the one parcel.

Mr. Davison said that if we get the petitions, we will bring them back to you and commence an annexation process, drawn on all properties, or just on the James' property.

Mr. Henne said I don't think you set the percentage with the 60% that they have.

Mr. Davison said it's the value of the land plus improvements. He said that he will come back to Council with the value that's based on land & improvements. And if the Council initiates annexation based on the petitions, he'll commence with the process. And that requires new petitions being sent out with a bunch of legal wording, then we get the signatures. After that, there are a series of public hearings, then it's sent off to the Boundary Review Board. It takes about 6-9 months.

Councilmember Overby said there's no reason why you couldn't concurrently consider an Outside Utility Agreement and initiate the annexation process and say that our exception to the policy of not having a failing system is that this petition concurrent with annexation. He said he doesn't see that the Council has any other options.

Councilmember Overby also verified that whether the Council sets a precedent or just capriciously decides to do something else, the Council's decision is not subject to appeal.

Mr. Davison said that a person would have to consult with their attorney about that.

Mr. Noe said that he doesn't see a precedent in this situation if you can distinguish it from other situations.

Councilmember Overby said that if there's a situation where someone wants to subdivide a 40-acre property and obtain 40 separate Outside Utility Agreements for that property, the Council would have no trouble making that distinction and saying no to that person. If the Council can differentiate, he is not sure what the heart of the precedent is.

A question was asked about needing to "square off" a proposed annexation. In response to that question, Mr. Davison said that the Boundary Review Board has the authority to expand the boundary up to 50% of the value of what's already been petitioned. He suggested that if the Council is inclined to issue the OUA, the staff will collect the petitions, bring them back to the Council in two weeks with paperwork to initiate the annexation process, with the paperwork to approve the OUA based on circumstances, limiting it to Paul and Connie James and subsequent heirs or whoever buys it in the future. He said that we will commence the normal process, the OUA can be obtained, and they will be on the road to annexation.

Councilmember Tierney moved to table the Resolution Authorizing Mayor To Sign the James Outside Utility Agreement for two weeks which would give the James time to secure the necessary petitions for annexation and bring the petitions back for further action by the Council. Councilmember Overby seconded. By voice vote, support was unanimous.

- * 3. Resolution Authorizing the Mayor To Sign Change Order Number 1 for the Speyers Road Improvements

- * 4. Resolution Authorizing the Mayor To Sign the Interlocal CoRailroadection / Detention Agreement Between the City of Selah and the City of Wapato
- * 5. Resolution Authorizing the Mayor To Notify the Yakima Valley Conference of Governments of the City of Selah's Intent To Continue Participation at the Specified Assessment for 2010
- * 6. Resolution Authorizing the Mayor To Sign a Correction / Detention Agreement with the Yakima County Department of Corrections for 2010

N. Ordinances

- 1. Ordinance Vacating a Portion of Railroad Avenue Lying North of Naches Avenue

Mr. Davison stated that previously there had been a public hearing regarding the vacation of a portion of Railroad Avenue lying north of Naches Ave. He stated that the City recommends that the Council adopt the ordinance contingent upon Larson Fruit signing the quit-claim deed for the right-of-way that we are going to acquire along Railroad Avenue, which is just west of the property that is going to be vacated. He stated that Larson Fruit has not signed the quit-claim deed yet, but once Larson Fruit has signed them and the Council pre-approves the ordinance vacating the right-of-way, the City will take both documents to the County Auditor, giving Larson Fruit the vacated area and recording in the name of the City of Selah the dedicated portion of right-of-way for the realignment of Railroad Avenue.

Councilmember Jorgensen asked if we are going to be vacating 6600 square feet and acquiring 9700 square feet.

Mr. Davison acknowledges that this is correct.

Councilmember Jorgensen asked if this is a direct trade or compensation. He asked if there is something the City has to do in order to get Larson Fruit to sign the quit-claim deed.

Mr. Henne stated that the State has agreed to resurface the existing right-of-way prior to or during the construction project. The property is being acquired from Larson Fruit has recently been asphalted. So Larson Fruit is asking for the vacated property to be asphalted, and the State has agreed to do that. And there are also a couple of power poles that are conflicting with the loading dock that Larson Fruit has built. The power company must relocate the power poles under the franchise agreement so that it will not cost Larson Fruit money. So they are getting these benefits, plus a new road.

Councilmember Tierney asked if the movement of the poles will cost the City money.

Mr. Henne stated that it will not. He stated the asphaltting will also not cost the City money. He said that Larson Fruit is happy with the deal.

Councilmember Tierney moved to approve the vacation of the right-of-way lying North of Naches Ave. on Railroad Avenue, subject to the signing of the quit-claim deed for the acquisition of the 9700 square feet from Larson Fruit. Councilmember Jorgenson seconded the motion. By voice vote, support was unanimous.

O. Communications

This is a public meeting. If you wish to address the Council concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name for the record. The Mayor reserves the right to place a time limit on each person asking to be heard.

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental

Fire Chief Jerry Davis announced that the Fire Commissioners are going to have a special meeting for the 2010 budget tonight. He stated that he believes that they have to have the budget back to the County by the 20th.

Public Works Director Joe Henne reported that Speyers Road is paved. He said that only part of the driveways are done, but the rest will be completed tomorrow. The sidewalks won't be done until next week. He talked about some of the things that are being done up there. He said he's trying to make everyone happy with their driveways. He said they've got everybody's driveways cut back except for one that they couldn't. On the sidewalks, they're trying to cut it back a little further.

He said that the well is down approx 620 feet into the salt. Next week they will start test-pumping that.

Councilmember Nichols asked if Public Works plans to notify the property owners if there are snags on Speyers such as snow or bad weather.

Mr. Henne said that if something does come up they will send out notices. He said he goes up there every morning and has been talking with some of the property owners.

Community Planner Dennis Davison reports that there will be a long agenda on November 24th. There will be a couple items from the Planning Commission, and there will be Matson Fruit. He recommends that people spend a couple or three days refreshing their minds going over their notebooks. He said he expects no public testimony, but he anticipates attorneys will speak. He said that there are some items that will be coming in December when there is more time.

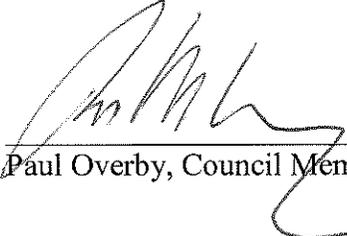
Mayor Jones said that he will give each person who is speaking 5 minutes to present their case. He said that Council member at that time will be asked they've had the opportunity to over everything. He said that then they will start the full process.

Q. Executive Session

R. Adjournment

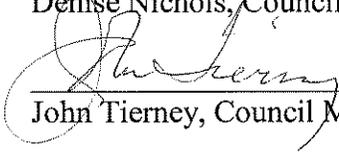
Council Member Jorgenson moved, and Council Member Overby seconded that the meeting be adjourned. By voice vote, the motion passed unanimously.

The meeting adjourned at 5:15pm.



Paul Overby, Council Member

Denise Nichols, Council Member



John Tierney, Council Member

(excused) _____
Dave Smeback, Council Member



Robert L. Jones, Mayor



Summer Derrey, Council Member

(excused) _____
Keith Larson, Council Member



Kevin Jorgensen, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer