

City of Selah  
Council Minutes  
November 25, 2008

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

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

B. Roll Call

Members Present: Summer Derrey, Kevin Jorgensen, Keith Larson, Denise Nichols, Paul Overby, Herb Schmidt, John Tierney

Members Excused:

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

C. Pledge of Allegiance

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

D. Agenda Changes

E. Public Appearances

1. Community Pride Award

Mayor Jones presented the Community Pride Award to Dave "Scrub" Van Alstine and asked Fire Chief Jerry Davis to give the group background on Mr. Van Alstine's actions during the emergency when a fire started near Hillcrest Drive.

Chief Davis stated Dave came over the hill to help fight the fire. He noted a few years ago, a lady died in a fire on that same hill. He praised Mr. Van Alstine for stepping up, saying he did a good job.

Dave Van Alstine addressed the Council and audience. He said a while ago his mom had an aneurism, and he couldn't believe how fast the fire and police response was. Secondly, he said an award should go to Selah Mayor Bob Jones. He said he has never seen a Mayor who goes out and does as much for the City as does Mayor Jones.

F. Getting To Know Our Businesses

G. Communications

1. Oral

Allen Schmid, 1410 West Cherry, addressed the Council regarding the aquatic center. He expressed concern about regionalization, saying it is good only when it is used where everybody can benefit equally. He said the people in Selah should be aware that Yakima will receive primary benefit and that regionalization serves to diminish the identity of small towns. He cautioned the Council to consider what effect it will have on our kids to provide an aquatic center at the proposed site in Yakima. He noted that when he was on the Council, anytime anyone spoke about doing away with our pool, nobody wanted that to happen. He cited the cost of a single swim in Selah, \$2.00 for individual or \$8.00 for a family, by comparison to going to Yakima to swim for \$3.75 for an individual or \$16.25 for a family. He referenced reasonable season passes for Selah pool. He noted here in Selah kids walk or ride their bikes to spend time swimming, and their parents know where they are and that they are safe. He noted that there's still a proposal out there that a year round pool will be built in Selah, but a pending lawsuit is precluding that possibility at this time. He said even when that idea came up, people still wanted to keep the outdoor pool at Wixson Park. He noted the Dolphin Swim Team is a part of Selah history that continues to this day.

Another problem Mr. Schmid cited is transportation to and from the pool, questioning the wisdom of kids using public transportation to access the center. He said the government in Selah should not allow that to happen, and urged Council Members to drive down the main streets of Yakima and go to these proposed sites, noting there is graffiti everywhere on Fair Avenue, North First. He said it is interesting that in Yakima officials' presentation they said they would belly-up for continued costs of maintenance. He said when the people of Selah joined with Union Gap and Yakima to form a Public Facilities District to remodel and expand the convention center, we asked if we would receive support from the PFD if Selah experienced a need. Since that time, we have put \$100,000 over the last five years on a tremendous upgrade on the Civic Center and have never received anything from the PFD. He said that shows what happens to small town identity when you regionalize. He asked the Council not to give away the positive identity that Selah has earned over the years.

Several Council Members asked if Selah has requested assistance from the PFD and agreed that we should ask in the future.

Mayor Jones said at one time there was a plan for a facade for the Civic Center. He said usually when something happens out here, it's two or three people who get together and do it.

Councilwoman Nichols suggested that ideas for projects the PFD could fund be brought to Council.

2. Written

a. Fact Sheet Yakima Valley Official Visitors Guide Fact Sheet™

John Cooper, CEO of the Visitor & Convention Bureau, addressed the Council, noting he wasn't here when the PFD was formed, but he can research how the PFD was formed and what opportunities existed in the document.

City Supervisor Sweet said nothing was written in the form of an interlocal agreement; it was all within the information exchanged among the proponents at the time the PFD was formed.

Mr. Cooper asked Michelle to come forward, noting the written information on participation in the official Visitor's Guide is in the packet.

The City Supervisor said he'll bring a proposal to Council on December 9. He explained that last year the City went with the Selah Independent because the Selah Chamber went with them. In response to a question from Councilwoman Derrey regarding circulation, he noted each publication says they have the best exposure.

Councilman Schmidt said they also have a new website that contains information on the City.

The City Supervisor said this is a Visitors Guide, but the \$6,500 we pay is for the website exposure.

John Cooper thanked the Mayor for the opportunity to speak.

- b. John Cooper Press Release 11/03/08 Re: Tourism Spending in Yakima County
- c. Charter Communications – Golf/Versus HD Will Split into Two Networks

Mayor Jones moved on to the Consent Agenda.

H. Proclamations

I. Consent Agenda

Councilman Overby suggested adding Item M-6 and N-2 to the Consent Agenda.

Councilman Tierney asked that item M-1 be removed from the Consent Agenda.

Councilwoman Derrey asked to remove M-4 and M-8 from the consent Agenda.

Councilwoman Nichols moved and Councilman Tierney seconded to remove M-1, M-4 and M-8 from the Consent Agenda. By voice vote, motion carried unanimously.

Councilman Overby moved and Councilwoman Nichols seconded to add M-6 to the Consent Agenda. Motion carried unanimously by voice vote.

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

Mayor Jones read the Consent Agenda.

- \* 1. Approval of Minutes: Study Sessions & Council Meeting October 28, 2008
- \* 2. Approval of Claims & Payroll: Claims Checks Nos. 52792 – 52851 for a total of \$127,873.20, Claims Checks No. 52852 – 52946 for a total of \$744,076.66, Claims Checks Nos. 52947 - 52948 for a total of \$2315.91, and Claims Checks Nos. 52949 – 53029 for a total of \$74,081.75  
and Payroll Checks No. 64595 – 64705 for a total of \$167,754.92, Payroll Checks No. 64706 – 64787 for a total of \$121,334.70, Payroll Checks No. 64788 – 64826 for a total of \$87,834.70 , and Payroll Checks No. 64827 – 64912 for a total of \$165,791.86
- \* 3. M – 2, Resolution Setting December 9, 2008 as the Date for a Public Hearing To Consider Designating a Portion (1,500± sq. ft.) of Carlon Park as Surplus Property and Providing for Its Disposal

- \* 4. M – 3, Resolution Establishing January 13, 2009 as the Public Hearing Date to Consider the “Johnson-Snodgrass Annexation”
- \* 5. M – 5, Resolution Authorizing the Mayor To Sign a Contract for Legal Services with Robert F. Noe, PLLC
- \* 6. M – 6, 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 2009

**Councilman Overby moved approval of the Consent Agenda as read. Councilman Schmidt seconded. By voice vote, support was unanimous.**

J. Public Hearings

K. New Business

L. Old Business

M. Resolutions

1. Resolution Approving Payment to Columbia Asphalt & Gravel, Inc. for Work Performed through October 7, 2008 and Accepting the South Park Drive and Larson Drive Improvements and Carlon Park Paving Improvements as Complete and Authorizing Release of Retainage to Columbia Asphalt When Four Conditions Have Been Met

The City Supervisor called attention to a typographical error in the amount of payment in the Resolution. It was corrected to read \$18,869.49.

**Councilman Larson moved and Councilwoman Nichols seconded to approve the corrected Resolution Approving Payment to Columbia Asphalt & Gravel, Inc. for Work Performed through October 7, 2008 and Accepting the South Park Drive and Larson Drive Improvements and Carlon Park Paving Improvements as Complete and Authorizing Release of Retainage to Columbia Asphalt When Four Conditions Have Been Met. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Nichols – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Derrey – yes; Council Member Jorgensen – yes. Support was unanimous.**

- \* 2. Resolution Setting December 9, 2008 as the Date for a Public Hearing To Consider Designating a Portion (1,500± sq. ft.) of Carlon Park as Surplus Property and Providing for Its Disposal
- \* 3. Resolution Establishing January 13, 2009 as the Public Hearing Date to Consider the “Johnson-Snodgrass Annexation”
- 4. Resolution Establishing January 13, 2009 as the Date for the Public Hearing To Consider the West Yakima Avenue Right-of-Way Vacation Petitioned by Rick and Ann Washut

Councilman Overby pointed out a keyboarding error where “Johnson and Snodgrass” was inserted instead of “Rick and Ann Washut.” The correction was made.

**Councilman Larson moved and Councilman Tierney seconded to approve the corrected Resolution Establishing January 13, 2009 as the Date for the Public Hearing To Consider the West Yakima Avenue Right-of-Way Vacation Petitioned by Rick and Ann Washut. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Nichols – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Derrey – yes; Council Member Jorgensen – yes. Support was unanimous.**

- \* 5. Resolution Authorizing the Mayor To Sign a Contract for Legal Services with Robert F. Noe, PLLC
- \* 6. 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 2009
- 7. Resolution Establishing December 9, 2008 as the Public Hearing Date To Consider Fee Schedule Increases Reflective of the Approximate 20% Increase in the Consumer Price Index during the Past Four (4) Years

The City Supervisor pointed out that the Council will receive information on the specifics of the fee schedule, and that this Resolution merely sets the date of the hearing.

**Councilwoman Nichols moved and Councilman Overby seconded to approve the Resolution Establishing December 9, 2008 as the Public Hearing Date To Consider Fee Schedule Increases Reflective of the Approximate 20% Increase in the Consumer Price Index during the Past Four (4) Years. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Nichols – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Derrey – yes; Council Member Jorgensen – yes. Support was unanimous.**

- 8. 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

Councilwoman Derrey asked who's paying for the work done by Eco-Northwest.

Ted Pooler responded that the money comes from a grant from the Department of Ecology, and the City is a pass-through.

Mayor Jones noted that he, the City Supervisor and the Administrative Assistant sat in on a fifth grade class during a lesson given by Bob and Lynn Tuck. He praised their efforts and the response of students.

**Councilwoman Derrey moved and Councilman Jorgensen seconded to approve the 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. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Nichols – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Derrey – yes; Council Member Jorgensen – yes. Support was unanimous.**

N. Ordinances

1. Ordinance To Establish the Amount of Taxes To Be Levied upon Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2009

Clerk/Treasurer Dale Novobielski stated that N-1 is the document that will impose the property tax levy for the City of Selah for 2009 in the amount of \$1,274,423, an increase of \$35,927 over the current year of which \$12,385 represents 1% of the 2008 levy, the maximum allowed under law. The other \$24,000 represent taxes on new construction. \$2.47 per thousand of assessed valuation or 7¢ per thousand reduction in the assessed value tax base. He stated the Bond for Fire Station #1 levy is \$34,000 for 2009.

Fire Chief Jerry Davis said that bond will be paid off in 2012. He noted they refinanced to a lower rate a few years ago.

Mayor Jones explained to students in the audience that the City only gets 1% more this year than last year, and noted the City has done a lot of belt tightening.

The Clerk/Treasurer said as the evaluation goes up the tax rate goes down.

**Councilman Overby moved and Councilman Tierney seconded to approve the Ordinance To Establish the Amount of Taxes To Be Levied upon Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2009. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Nichols – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Derrey – yes; Council Member Jorgensen – yes. Support was unanimous.**

2. Ordinance Amending the 2008 Budget for Miscellaneous Expenditures

Clerk/Treasurer Dale Novobielski addressed Ordinance N-2, noting that budget adjustments are required to show the Council that expenditures have not exceeded revenues.

Councilman Larson asked if numbers in the right hand column show an increase in the amount spent or anticipated to be spent by the end of the year.

Mayor Jones said they used to be able to do this after the fact.

Councilman Larson said he finds this confusing, because if he goes through the General Fund, the first four pages, it exceeds the \$59,682 stated on the ais.

The City Supervisor pointed out that accounts listed which have a 300 number in the fourth column are revenue accounts.

Councilman Schmidt said the goal is to end up balanced.

The Clerk/Treasurer said the expenditures as the Council has before them are actually increasing by \$189,000, but the revenues are increasing by \$129,000, so \$59,000 has to come out of the ending cash balance.

**Councilman Schmidt moved and Councilwoman Derrey seconded to approve the Ordinance Amending the 2008 Budget for Miscellaneous Expenditures. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Nichols – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Derrey – yes; Council Member Jorgensen – yes. Support was unanimous.**

O. Communications

1. Oral

Jane Williams, 701 South 7<sup>th</sup> Street, addressed the Council regarding the appeal of the City's decision on 503 Southern. She stated the SSNA won the appeal on several items. She said a member of SSNA checked with other cities who said they do not issue building permits while an appeal process is continuing. She said the City of Selah issued building permits while the appeal was in progress. She said the City's engineers did check the permit and building features and came up with several areas of concern; however, that letter from HLA reviewing the permit and expressing concerns was never addressed before building permits were issued.

City Supervisor Frank Sweet stated when we get a plat we send it to HLA for review, and they send it back to Joe Henne, who then talks to the contractor.

Mr. Henne said the Hearing Examiner was concerned about a March 13 letter that expressed concerns about drainage. Those items were addressed, and we got a letter back in August or September stating that HLA had reviewed and concurred with the corrections. He said the second item dealt with traffic, noting we did a traffic count and a speed analysis, and he provided that to the Community Planner. He said they would be discussing that when the Planner returns from vacation.

Jane Williams stated that HLA engineer Heidi Herzog wrote a letter to the City that the Hearing Examiner brought up that was sent back to HLA with a corrected traffic count and speed analysis provided to Community Planner.

City Attorney Bob Noe said he put together a memo, but is not sure the Council received it. The memo stated that what the Hearing Examiner basically said was that there was insufficient analysis done on the grading and draining issues and the traffic study was on 605, not on 503. The Hearing Examiner then remanded it back to the City to go back over those issues. He explained that the process will be that Mr. Sweet as the SEPA Official will go back over those issues to determine whether they are adequately addressed. He said if they are not, then he would not issue the DNS because it would be mitigated. If he determines they have been addressed, then he can make his decision that way. Mr. Noe said the way the short plat works is that the SEPA decision has to be made before the short plat, so on the remand, the SEPA official has to reconsider his decision and depending on that, the Planning Commission reconsiders the short plat. He said both of those decisions can be appealed to the Hearing Examiner.

City Supervisor Frank Sweet said they will be addressing those issues when the Community Planner returns. He noted the Hearing Examiner found for SSNA on two issues only, so when those two issues are addressed, we go back through the process.

Councilwoman Nichols asked how that works with issuance of building permits.

Mr. Sweet said it's hard to speak for other cities, but according to Municipal Research, a city has no legal authority to withhold a permit if a developer applies for it, because the developer assumes the risk. He noted some developers might not want to take the risk.

Councilman Schmidt said unless we are moving forward to use a check off system to move forward, we can't move forward. He stated concern that things seem like they fall through the cracks.

Councilman Tierney said his concern is that we pay HLA a lot of money every year, and they make notes, but the Planning Commission comes back with other recommendations almost none of which were part of the HLA recommendations. He asked if the Planning Commission saw the Huibregtse, Louman report.

The Public Works Director said his office usually doesn't get the HLA report until after the item has gone to the Planning Commission.

The City Supervisor said the HLA letter is in response to SEPA request. The SEPA went out and they responded.

Councilman Tierney said nothing from the Planning Commission reflects following through with HLA recommendations. He cited an HLA recommended distance between manholes.

The Public Works Director said he doesn't think the Planning Commission would get down to that level of detail. He said they would review the document, but not necessarily include it or even agree with it.

City Supervisor Sweet said it's confusing because you get snapshots from different people of different things. He said what you need to look at is the packet of information the Planning Commission considers. Community Planner Dennis Davison does research and that becomes part of what is considered by the Planning Commission.

Councilwoman Derrey asked why the Planning Commission doesn't consider the HLA report.

Mr. Sweet said when we send out a SEPA, we send it to everyone and their responses become a part of an information packet which then goes to the Planning Commission. He said HLA doesn't send their response to the Planning Commission, they send it to Joe Henne, who in turn takes those recommendations to the developer, who accepts, modifies or rejects recommendations HLA has made. He said trying to understand that process is like coming into the movie at the end; you don't know what happened at the beginning.

Jane Williams expressed concern about building permits issued and short plats approved before the appeal process was complete. She said she is concerned about potential liability to the City for engineering recommendations that were not corrected by the contractor.

Mayor Jones said this builder built at his own risk. He said the Planning Commission concerns itself with the setbacks, zoning, square footage, etc.

Several Council Members commented on various worst case scenarios and concerns about tying up a project.

Jane Williams said the City must enforce its own rules and codes.

Mayor Jones said he has made three trips recently, and while traveling has observed what's going to become the norm - and that's small lots going up rather than out.

City Attorney Bob Noe said he has given notice to Ken Harper that his clients are proceeding at their own peril, and Mr. Harper is on record of understanding that. He said that if the City erroneously issues permits, it is not exposed to as much liability as the developer; however, if the City withholds permits without a good basis, we are exposed.

Councilman Tierney asked what the effect would be if we codified rules prohibiting issuance of permits during an appeal.

The City Attorney said that would not protect us from liability. He said we've had lawsuits where we've stopped a developer with a good reason, and we got sued. He said it's a balancing act. He said during construction the builder has to observe building codes; he's checked every step of the way by staff paid for their expertise. He noted so far, this developer has complied with every requirement. He explained that when you weigh the potential for liability in unjustly holding up a permit versus issuing it and letting the developer be at risk, the choice becomes pretty clear for the City staff.

Councilman Larson said issuing the permits does not mean that the developer does not have to meet every state requirement and City code.

The City Attorney stated during the course of construction there are inspections to make sure everything complies with Code; if it does not, we'll put a stop order on it saying the developer can't continue until it comes into compliance.

City Supervisor Frank Sweet said had the South Selah Neighborhood wanted to stop the permit process early on, they had a vehicle through which they might have done that. They could have gone to court and filed an injunction to stop Mr. Torkelson from building. He noted that would have totally removed the City's involvement.

Bob Noe said he talked to SSNA Attorney Jamie Carmody about that, and Mr. Carmody said he felt they should exhaust administrative remedy. Mr. Noe explained that attorneys differ on that issue; if you think that exhausting an administrative remedy is going to be futile, you don't have to do that, you can go straight to Superior court and get an injunction. He said that is their decision.

Frank Sweet pointed out that there is also a significant financial commitment with an injunction.

Mr. Noe said a bond would be put together in an amount sufficient to protect the developer. He said if the injunction were found to be wrongful, then the bond would pay the developer for damages.

Public Works Director Joe Henne said the Governor's office has asked the Legislature to put a subcommittee together to address greenhouse emissions. He said a GMA committee has recommended cities be requiring to come up with new GMA policies to control emissions and one recommendation is cluster housing.

Jane Williams said she has traveled widely and is not opposed to duplexes, cluster houses or even to what Mr. Torkelson originally proposed, but she remains concerned that HLA recommendations need to be considered and existing codes followed. She said the Planning Department and the City Manager need to be sure that when they're signing off on something that there is a checklist and all of those things have been looked at.

Mayor Jones said that's why we have a Code Enforcement Officer.

Mrs. Williams said that's after the fact.

Joe Henne said the plans go through a plan review prior to the issuance of permits.

Jane Williams said perhaps the plan reviewer is the one to blame. She said somehow the City needs to make sure they are doing their jobs, noting both the City and the SSNA have spent thousand of dollars on this.

Mayor Jones invited students to come forward to have their papers signed.

When students were done, Kathy Hoffert addressed the Council regarding ongoing issues with 503. She said the short plat called for individual roads for each section and also three individual water retention systems. She said that has not been done. It was approved by City Planning and Frank Sweet signed off on that as well, but it's not happening. She asked the Council to go to see the development.

Councilman Keith Larson said he has recently done some building at his warehouse, and has gone through the process getting everything approved, but then decided to change something. He said the system does allow a builder to modify and make decisions as he goes along. He said at that point, you don't stop, don't redraw the plans, you talk to the local person and explain what you want to do. He said there is some allowance for change so long as it still passes muster. He said there should be cases where the drawing for a house does not reflect the final product.

Kathy Hoffert said she's talking about "key engineering concepts" where three roads were required at 503.

Councilman Larson said the Code Enforcement Officer is very detail oriented.

Public works Director Joe Henne said he was not aware that separate roads were required at 503.

Frank Sweet said Joe Henne could go back and look at the plans to determine what was required. He said he will send it to fire marshal because he is more prepared to deal with those requirements.

Mayor Jones moved on to reports and announcements.

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental
  - a. Planning Commission Minutes August 19, 2008 - Approved
  - b. 2008 Whispers of Christmas Flyer
  - c. Minutes of Yakima County Commissioners Public Hearing Regarding Consideration of Raising Fees for the Disposal of Solid Waste
  - d. July 2, 2007 through December 31, 2008 Transit Agreement

Fire Chief Jerry Davis said he already submitted his budget to the Council and has completed his district budget which the District passed in its entirety. He noted that special projects come from the District budget, and the day-to-day expenses come from City's budget.

Mayor Jones said we are unique in that arrangement.

City Supervisor Frank Sweet reported that Todd LaRoche and his WWTP people have been looking for a forklift. He said Todd has \$15,000 in his budget, and he would like to purchase a forklift from Papé for \$10,950. He reported that Todd got other bids, and that the lowest bid would not fit through the door. He said they will use it to take polymer through the door and also put a man-lift on it. He said it works well and has new tires.

**Councilman Larson moved approval of the purchase of a Papé forklift. Councilman Jorgensen seconded. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Nichols – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Derrey – yes; Council Member Jorgensen – yes. Support was unanimous.**

Councilman Tierney asked Attorney Bob Noe the status on salmon recovery.

City Attorney Bob Noe said he sent a memo, which apparently Council didn't get.

The City Supervisor said Council Members were supposed to get it, and he will make sure it is forwarded to them.

Mr. Noe said some of that information is too sensitive to be discussed.

Councilman Tierney asked about the possibility of a reward for catching perpetrators of graffiti.

Councilwoman Derrey said they are very hard to catch, so cameras might be a better solution.

Mayor Jones said Helms caught 3 of them last night on 16<sup>th</sup> Avenue in the Salvation Army parking lot. He noted there is a clear coat you can put on that paint won't stick to. He noted if you get a camera it must be high resolution that it will hold up in court. Mayor Jones further stated that Selah has an ordinance which requires that juvenile offenders be sent to Municipal Court so we can try them here in Selah.

Councilman Tierney said we need to be as aggressive as possible.

Mayor Jones stated we need to ensure the safety of our residents.

Parks & Recreation Director Jeff Hagler called attention to the announcement on Whispers of Christmas in the Council packets.

Public Works Director Joe Henne said he wants to move forward to purchase a used sewer rodder from the City of Yakima for \$2500 and then use another 1500 bucks finding new attachments for it and cleaning it up. He said it is not budgeted for, so it would come out of equipment reserves.

**Councilwoman Nichols moved that we spend up to \$5,000 to purchase a sewer rodder and attachments. Councilwoman Derrey seconded. By voice vote, motion carried unanimously.**

Allen Schmid addressed the Council to report that Commissioners for ASA attended a national softball meeting where Scott Busby bid for the 2009 10U Western Regional Tournament to be held at Carlon Park the last weekend in July or first weekend in August (40-50 teams). At that same meeting we were also awarded the 18U Western National in 2010 (around 80 teams) to be held at Carlon Park the last week July or first week in August. He said both of these tournaments are week-long tournaments and will use 9-10 fields between Selah and Yakima. He stated it should bring approximately \$1.3M into our City.

Mayor Jones declared a short recess before going into Executive Session. He noted no action will be taken after the Executive Session regarding personnel.

Q. Executive Session

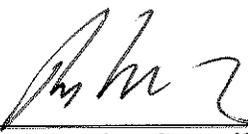
1. Executive Session - 20 minutes on Personnel

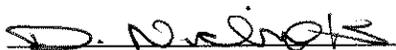
The Council moved into Executive Session at 5:45pm.

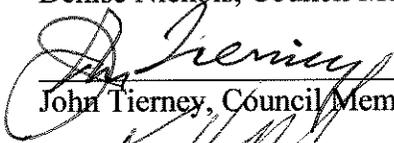
The Council Moved back into General Session at 6:10pm.

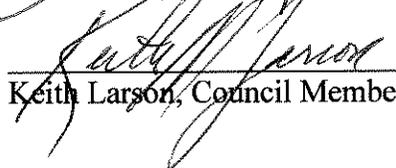
R. Adjournment

Councilman Tierney moved and Councilman Larson seconded to adjourn. Support was unanimous. The meeting was adjourned at 6:11pm.

  
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Paul Overby, Council Member

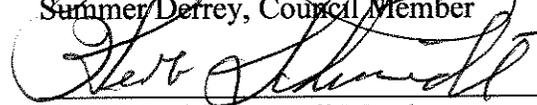
  
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Denise Nichols, Council Member

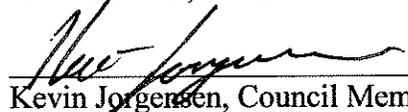
  
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John Tierney, Council Member

  
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Keith Larson, Council Member

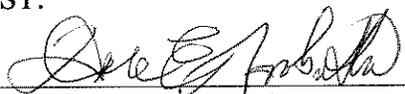
  
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Robert L. Jones, Mayor

  
\_\_\_\_\_  
Summer Defrey, Council Member

  
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Herb Schmidt, Council Member

  
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Kevin Jorgensen, Council Member

ATTEST:

  
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Dale E. Novobielski, Clerk/Treasurer

Selah City Council  
Study Session 1  
November 25, 2008

Mayor Jones opened the Study Session, introducing Yakima Mayor Dave Edler who in turn introduced Yakima Council Member Neil McClure.

Mayor Edler explained that they were not here today to ask the Selah Council to make a decision about joining Yakima in support for the Public Facilities District to move forward on an aquatic center. He noted that three years ago Yakima closed several pools that had become a financial drain and decided to redirect that money into a feasibility study on an aquatic center in Yakima. He cited a meeting where he broached the topic to the Valley Mayors, who said "thanks but no thanks." He noted the feasibility study is now complete, and each member of the Selah Council has a copy. He stated the Task Force has determined that the best thing to do is build a year-round aquatic center near I-82 corridor, and the best way to fund it is through the existing Public Facilities District raising a 1% sales tax. He said there are two sites: State Fair Park and the old Boise Cascade site, both of which would be donated. He noted the latter is an old landfill, and they are still determining what would need to happen in order to use it. He said that while there are other possible funding sources, the best funding source is to let the voters decide, which is why he's standing before Selah's Council today. He explained that for every \$10.00 spent in Selah, 10¢ would go to the aquatic center. He said this is a good alternative to swimming in local ponds and the rivers.

Yakima Council Member Neil McClure said from the very beginning they've looked at this from a regional perspective. The City of Yakima used \$75,000 of City money and took the responsibility for the feasibility study. The PFD would require the support of Selah and Union Gap communities. The development site must now look at their land and spend some money to get it ready for such a project. He said we're asking them to spend their money to proceed with this, estimating that it would cost them between \$100,000 to 150,000. He continued saying now we need to determine if we as leaders are willing to let our citizens decide, and, if not, then we can't expect private partners to spend their money. He said even if everyone is willing, it still may not work out. He noted he doesn't want people to vote on something they don't have the information about, so until the results of studies come back, there would be no activity.

Dave Edler said watching the dust settle is something he's willing to do and has experience doing. He said this is the only thing they'll ask Selah and Union Gap to do, and he's willing to put it in writing that Yakima will do everything that has to be done by way of maintenance and upkeep.

Councilman Overby asked how long the .1 of 1% tax is going to last.

Mayor Edler said it would be for the life of the 25 year bond.

Councilman Tierney asked who would be responsible for the environmental cleanup.

Mayor Edler said they are working with the landowner, and there is money for environmental cleanup, and he will continue to move forward with that.

Councilman Larson asked when the PFD was formed.

City Supervisor Frank Sweet said it has been in effect for four or five years. He said it was initiated for improvements to the Yakima Convention Center.

Councilman Larson said the partners in the PFD are Selah, Yakima and Union Gap.

Councilman Tierney asked if Selah would receive part of the profit if the aquatic center became profit-making.

Mayor Edler responded that one thing they are looking at is a public/private partnership. The YMCA would run the facility if it is on the Boise Cascade site, and the Fair Board has expressed an interest in overseeing it, if it ends up on the State Fair Park.

Yakima Council Member Neil McClure said they are looking to have the facility be self-supporting, but haven't considered it to be "for profit."

Councilman Overby expressed his concern about the "let the people decide" approach, stating it's like asking our citizens decide to have their future decided by the Yakima voters. He noted the possibility of the issue still passing even if every voter in Selah and Union Gap voted against it. He said he can see that the aquatic center would be a great addition to the City of Yakima, but it wouldn't matter to Union Gap or Selah. He said he's not convinced that Selah citizens feel strongly about this.

Mayor Edler noted they don't even know how strongly Yakima citizens feel about this.

Councilman Schmidt asked if there has been direct discussion about public transportation to a facility such as this.

Mayor Edler stated they have had discussion about making it accessible and available to the Valley.

Neil McClure said they want to make it accessible to all.

Councilman Larson said if Union Gap, Selah and Yakima make up the PFD, only the sales taxes in those three cities would pay for the aquatic center.

Yakima Councilman McClure said there would be fees charged for using the aquatic center which would reflect a "residency" factor.

Mayor Jones said he knows there is some excitement because it is something new, but expressed concern that it will need constant revision and upkeep. He said Selah residents are concerned about the Wixson Pool and don't want to lose it. He said a 1% sale tax out here would generate about \$60,000 that we could use to improve our own pool. He said charity begins at home, and we want to keep Wixson pool going. He said can't believe right now in these economic times that we would go to the Valley asking them to spend \$50,000 - 60,000 just to hold a special election. He said people are worried about whether they are going to have a job.

Neil McClure stated this would not go before the people for at least one year.

Mayor Jones pointed out the dilemma of whether this is a tourism venue or a local venue. He stated the east side of Yakima is not the best place to park and graffiti is a problem. He noted two pools have already failed on the east side of Yakima.

Mayor Edler stated the aquatic center projections are based on a primary sphere of attendance and the maximum circle is out to Grandview and Ellensburg. He noted the prices are low.

Mayor Jones cited Moses Lake, saying they will never recoup their costs. He said cities succeed as long as they do not spend more than they have.

Neil McClure said it would be the citizens' decision.

Mayor Jones said if Selah voted 60% no, and we could pull out of it; that would be different.

Councilwoman Nichols said the perception of the east Yakima neighborhood was a barrier to Kiwanis Park; however, once the facility was up and running, that all went away. Players are glad to play there. She predicted that when Boise Cascade is cleared out that perception will similarly change. She continued, secondly, praising Moses Lake for having the vision to dedicate resources of Walmart to repay bonds and to build the capital of their facility. She said Carlon Park is a good example of recouping tourism dollars to pay for a field our local kids play on.

Mayor Jones noted Selah did not ask for Yakima's help in that; we paid our own way. He noted we have received no help on our Civic Center even though we helped to build the Yakima Convention Center.

Councilman Schmidt said he has taken grandsons up to Moses Lake, and found that people there were from a wide area around the state. He said we need to consider the draw of an aquatic center. He stated his agreement with Councilwoman Nichols' feelings that tourism and local needs work together.

Councilwoman Nichols said the future of the Selah pool is undecided at this time. She said the community values Wixson Pool. The Council has agreed that we need to look at the future of the Selah Pool and need to decide if we need to rebuild, repair, or change it to more of a water park.

Mayor Jones said if we had that .1 of 1% we could put \$50,000 - 60,000 into our own pool. If we put together a bond with our Facilities District out here, we could build a pool and with new facilities and equipment, it wouldn't be as expensive to operate. He thanked Yakima Mayor Dave Edler and Councilman Neil McClure for their presentation.

Councilwoman Derrey asked what the next step would be.

Mayor Edler said the Task Force will need to get together. He expressed his belief that it is time for another generation to rise up and see if we can have and build good things in our community.

Mayor Jones said he's all for it if they build it in Selah.

Mayor Edler pointed out the PFD board voted unanimously with two abstentions to move forward with this. (The abstentions were representatives of Selah and Union Gap.)

Selah City Council  
Study Session 2  
November 25, 2008

Ken Mehin, representing Yakima Transit, addressed the Council noting the changes made to the proposed two-year Transit Contract. He said the proposed contract will run from January 1, 2009 through December 31, 2010 with two one-year extensions. He said the major change is the Dial-a-Ride service, which was an unknown before, but now we have a better idea of usage.

Councilman Overby said that is a pro-rated amount based on what Selah ridership.

Responding to a question from Councilman Larson, Mr. Mehin clarified that for these purposes Selah ridership is that which begins in Selah and returns to Selah.

Councilman Overby clarified that \$62.80 is what it was when it started and it was built in to have a 3% increase every year, so the \$66.55 represents two years. He said this is basically the same service we have now, and the second page shows some options for peak time service. He noted the 3<sup>rd</sup> and 4<sup>th</sup> pages show current service and some options. Councilman Overby explained that on top of the project cost for 2009 of \$122,052.70 is the projected cost of Dial-a-Ride of approximately \$50,000. In response to a question from Councilwoman Nichols, Councilman Overby stated that revenues over expenditures in Transit have been running about \$6,000 a month.

Councilwoman Nichols asked about the price of shelters.

Ken Mehin showed pictures of available shelters. He responded that the ones like Fred Meyers run about \$12,000. He said Yakima Transit pays for the basic shelter, and the City would pay for upgrade.

Councilman Overby said the "basic shelter" looks like a converted dumpster, indicating that Selah would want to upgrade.

Mr. Mehin said the basic shelter that is provided is only about \$5,000, so the City would pay the difference between the basic and the upgrade.

Councilwoman Nichols clarified that we'd also pay for the upkeep. She expressed concern that some bus stops don't even have a bench.

Mr. Mehin assured her that benches are provided.

Mayor Jones noted that Public Works Director Joe Henne has requested benches for a couple of Selah locations.

Councilman Overby pointed out that this contract has to be ratified by both Selah and Yakima. He said we can go with what we have now, and we can always brainstorm later about add-ons.

City Supervisor Frank Sweet suggested bringing the contract forward with rate increases at the Council Meeting on December 9, and then letting it run for about six months to see what happens.

Mayor Jones noted the riders will determine whether service needs to be changed.

Councilman Overby said we do have a sizeable surplus building in our Transit fund. He said we have lots of options. For example, could funds be used for upkeep of Civic Center parking lot? Should we reduce rates?

Councilman Larson asked if we were to decrease the tax rate and then wanted more, would we have to go back to the voters.

Mr. Mehin said in that case, we'd have to start over and go back to voters.

Mayor Jones suggested that we could make the Civic Center a Transit Center, a Park & Ride. He said surplusses are good.

Councilwoman Nichols asked whether we have van pools. There was positive response, noting there currently are three and that the travel has to be over 21 miles per day.

Councilman Overby said that he likes having some surplus, and noted that we can always expand our services, such as expanding the times, routes, etc.

Councilwoman Nichols asked how we have any way of knowing if we would get more riders with expanded service.

Ken Mehin said we could do surveys to determine usage.

Mayor Jones stated that while there are currently more riders than in the past, busses are still a long way from being full.

Ken Mehin said we could expand peak-time service.

Councilwoman Nichols asked if people can still get down into Union Gap.

Ken Mehin responded that they can go to Miners, just north of Valley Mall Blvd.

Mayor Jones thanked Mr. Mehin and the other representatives of Yakima Transit and closed the Study Session.