

City of Selah
Council Minutes
October 27, 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 3:59pm.

B. Roll Call

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

Members Excused:

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

C. Pledge of Allegiance

Councilman Overby led the Pledge of Allegiance. Pastor Rex Van Beek led the group in prayer.

D. Agenda Changes

E. Public Appearances

Mayor Jones introduced Mary Place, Yakima County Coordinator for the 2010 Census. She said that the census will be done differently this year. She said she is coming to each city to talk about what we can do to get a good count. She stressed that this is the way to get federal dollars for our community. She said initial an questionnaire will be sent to each residential address, and if the residents mail a response back in, then that's ok. If they don't get a response to the initial questionnaire, they will send another, and if there is still no response, a census worker will visit the household. She requested the City of Selah to appoint a chair for the Selah census. She asked the City to put out information with utility bills and provide information to the Selah library. She suggested the City could do a proclamation in February or March. She asked that the City identify a location where people could get help filling out the form. She noted PO box-holders will be visited by census workers rather than receive a mailing. She expressed her hope that the Council will support the census effort.

Mayor Jones said Selah will pursue it with gusto. He asked Community Planner Dennis Davison if he had chaired this in the past.

Mr. Davison said he generally has to shuffle all the paperwork, but has not chaired the effort.

The Mayor asked if anyone in community has chaired this previously.

The Community Planner said he does not believe so.

The Mayor told Mrs. Place that he'll see what he can do.

Mary Place said she will get information to us, including a sample proclamation. She said she would also like the City to designate a phone number that people could call if they do not receive a questionnaire.

Mayor Jones thanked Mrs. Place for attending the Council Meeting and for her efforts with the census.

F. Getting To Know Our Businesses

G. Communications

1. Oral

Connie James, 111 East Goodlander Road, addressed the Council, asking permission to hand out a packet to each Council Member. She introduced her husband Paul James and their son Jason Ross, 161 Winquest Lane. She thanked the Mayor and Council for hearing their issue. She said she would like to petition the County to partition one acre of their property off for their son. She explained that they got an Outside Utility Agreement for water and sewer when their well went dry. She said now they need to show the County that they could have water and sewer to that partitioned acre. She explained that they can't put in a new well and septic system because they are too close to City utilities. She said they are asking the City Council to approve a second Outside Utility Agreement to service a one acre lot for a single-family home for their son and his family. She thanked the Mayor and Council for the opportunity to speak.

Mayor Jones said we've discussed this and understand the problem. He explained there is only so much capacity for the City's Treatment Plant, so the City would prefer to see an annexation.

Mrs. James said they signed that they would not oppose annexation when they were granted the OUA. She said it was her understanding that if there were not several properties that want annexation, it would not be feasible or financially beneficial for the City to annex that property. She stated they would be happy to annex, but don't know how long that would take or when their son would be able to build a home.

City Supervisor Frank Sweet said Planner Dennis Davison has been working with the Jameses on this. He explained that this issue is not on the agenda today and really can't be considered without some kind of staff report and recommendation from staff. He said it is his understanding that Mr. Davison has been trying to contact the Jameses to find out what their wishes are and to discuss how that might go. He told Mrs. James that if their wish is to put this issue before the Council staff can certainly do that at the next Council Meeting, and the staff can make a recommendation so that Council will have some direction that will help them make a decision.

Mrs. James said she did submit all of her paperwork to Dennis (Davison) with her application and a \$330 check and the letter handed out to Council Members today and her understanding was that they would be on the Agenda for the 13th of October, but the scheduler was on vacation, so it would be on the Agenda today. She said her cell phone has never rung.

The City Supervisor assured Mrs. James that it will be on the Agenda for the 10th of November.

Paul James asked if it is possible that the Council will agree to give them an OUA. He said that he doesn't understand why the Council wouldn't approve it. He said it's his understanding that the Council usually won't do it unless there is a failed well.

Mr. Sweet said that is why the staff will report and make recommendations.

Mayor Jones said that the Council will decide.

Mrs. James said they are open to annexation or OUA and would like it to be on the Agenda. She said she can't find any regulation that says they shouldn't be able to have an OUA, but she has been discouraged from proceeding with it.

Councilwoman Nichols asked if the Community Planner could sit down with the Jameses to talk about options.

Mrs. James said they did talk with the Planner and were dismayed because they were told they couldn't do anything with their property. She said they were feeling disheartened.

The City Supervisor said the Planner likely did not say they couldn't do anything with their property.

Paul James said it was more to the effect that their property was unusable.

In response to a question from Councilman Tierney about whether they were asking for annexation or for an Outside Utility Agreement, Mr. James said he thought an Outside Utility Agreement would be a faster way to go than annexation which they were told would take six to eight months.

Mrs. James said they have submitted the application for OUA and required fee of \$330.

Councilman Larson said the tendency of the Council has been to deny OUA's because there may not be enough capacity to serve every lot within the City. He suggested their odds would be better with annexation.

The City Supervisor explained that annexation usually brings in a section and the proposal goes to the County Boundary Review Board.

Paul James said they wanted it faster than annexation would allow.

Councilwoman Nichols asked if the City has ever allowed a second OUA to same property. The consensus was that it had not.

Connie James explained that they can't dig another well, and the County will not approve subdivision without a water source.

Mayor Jones promised to get that on the Agenda for November 10. He and several Council Members thanked the Jameses.

Mayor Jones invited Jack McLean to address the Council.

Jack McLean, 703 South First Street, said he actually lives in the County. He said the Selah Chamber wants to put a welcome sign on or near his property. He said when they were approached by the Selah Chamber, he told them no, they weren't interested. He said it then came out in the paper (*Selah-Independent*) that he had said okay and everything was fine and dandy, they were going to put the sign there. He said at that point he contacted Frank (Sweet), who said the Chamber told the Council that everything was on board, and that he and his wife had signed a paper, and that it was okay to put the sign up. He said they had never been approached after the initial contact by Bill Jenkin. He said his next door neighbor, Bill Harris, told them the same thing that he didn't want it on their property line. He said they could not understand why it was all of a sudden approved when they were never approached.

Councilwoman Nichols said the existing sign is not on the McLean's property.

The City Supervisor and Mayor said the current sign is about half on McLeans' property.

Mr. McLean said it would bother the ingress and egress out of that property if they decided to do anything with the property.

Councilman Overby noted that part of the agreement was that the Chamber would take responsibility to remove the sign if the McLeans decided to develop the property.

Mr. McLean asked if he could expect that they would tear the sign down three months after the sign's up if he decides to develop. He asked Councilman Overby if he really believed that would happen.

The Councilman said that part of the agreement shows that the Council did not want the McLeans to shoulder all of that burden if they had plans for the property.

Mr. McLean noted that no one ever came back to explain that to them; nobody ever contacted them after the initial contact was made by Bill Jenkin.

The City Supervisor asked if Mr. McLean had seen the agreement.

Mr. McLean responded no, that he had never seen a piece of paper that he could have signed; no one has approached him.

Councilwoman Nichols asked if there is another location down there that is comparable. Mr. McLean responded, "Not in front of our place."

The Councilwoman said she thought there was DOT right-of-way.

The City Supervisor said half of the (current) sign is on DOT right-of-way and half is on McLean's property.

Several Council Members said they were under the impression the McLeans had approved.

Debbie McLean said another thing is that it would not be easy to take the sign down; in 5 years it isn't the same people. She noted they're talking about a big permanent fixture, unlike the current sign that's on two sticks of wood. She added that she thinks the (current) sign looks half-way nice. She said she couldn't see how they could fit the proposed sign on the DOT right-of-way.

Councilman Overby said the Council left the logistics up to the Chamber.

Councilman Larson said his understanding was that the Council approved the design of the sign.

Councilman Overby agreed, noting that the Council said they had no objection to the sign.

Mr. McLean said he didn't think the Council had heard the whole thing about the sign.

Mayor Jones thanked the McLeans, saying he was glad to have Mr. McLean tell the Council how he feels about the sign, and his wishes should be considered.

Debbie McLean noted they're not the only ones who have said they don't want the sign; there are four other people right down the road (who have opposed).

Mayor Jones said Tommy Aganda was upset because he thought he would have to put it on his property.

Councilman Tierney said it would be good to get a copy of the agreement, and it should be on file at the City.

Councilwoman Nichols agreed that there should be a record of it.

City Supervisor Sweet said the City has never seen a copy of the agreement.

Councilman Overby said the Council did not approve a site.

Several Council Members agreed that they generically agreed the Chamber could put up a sign, but did not agree to a site.

The City Supervisor said he'll get hold of Bill Jenkin to get a copy of the agreement.

2. Written

a. Letter from Randall Lee, Director of Operations Charter Communications

H. Proclamations/Announcements

I. Consent Agenda

Mayor Jones noted additions to the Agenda.:

M – 1 Resolution Accepting the Rutger “Notice of Intent To Annex Petition”
with Four Conditions

M – 2 Resolution Initiating Intent To Vacate a Portion of former Yakima Valley
Transportation Company Railroad Right-of-Way

M – 3 Resolution Establishing November 24, 2009 as the Public Hearing Date
To Consider Vacation of a Portion of former Yakima Valley Transportation Co.
Railroad Right-of-Way Petitioned by the City of Selah

The Administrative Assistant noted she will make corrections to the minutes.

Mayor Jones read the Consent Agenda.

Councilman Larson moved to add M-3 to the Consent Agenda. Kevin Jorgensen seconded. By voice vote, support was unanimous.

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

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

- * 1. Approval of Minutes: Council Minutes October 13, 2009
- * 2. Approval of Claims & Payroll:
 - Claims Checks Nos. 55053 – 55121 for a total of \$ 281,833.96
 - Payroll Checks Nos. 66985 – 67143 for a total of \$ 164,262.76
- * 3. Resolution Establishing November 24, 2009 as the Public Hearing Date To Consider Vacation of a Portion of former Yakima Valley Transportation Co. Railroad Right-of-Way Petitioned by the City of Selah

J. Public Hearings

- 1. Public Hearing on Revenue Sources for the 2010 Budget

Mayor Jones opened the Public Hearing on revenue sources for the 2010 budget, calling on Clerk/Treasurer Dale Novobielski.

The Clerk/Treasurer stated the City of Selah has nine operating funds which manage all of the activity that the City conducts in providing services to its citizens. He said the total estimated revenue for 2010 is approximately \$9,700,000. He said the largest of the nine funds is the General Fund which provides for the Police Department, Parks, the Pool, Parks & Rec operation, Building & Code Enforcement, Financial Services, Courts, City Council and a bunch of other services to the City. He said the next largest fund in revenue is the Sewer Fund with approximately \$2,000,000. He said the Water Fund is next with \$1,800,000; Solid Waste at \$749,000; Transit \$284,000, Fire Control \$933,000, Street \$420,000, and the Civic Center \$330,000.

He said of those revenues, property taxes for next year are estimated at \$1,314,132 which will be allocated three ways 70% to the General Fund, 20 1/2 % to Fire Control and the remaining 10% to the Street Fund. He said for next year the City is planning on a 1% increase in property tax and an increase in new construction which are estimated at an increase of \$40,000. He said sales tax is estimated at \$800,000 which is also allocated three ways; \$25,000 to the Civic Center Fund, \$96,000 for the Street Fund, and \$679,000 to the General Fund (about 20% of the General Fund revenue). He said Sales Tax-wise we receive \$155,000 for .3 Public Safety tax and noted that next year will be the same as this year if the voters approve Proposition #1. He said if that does not pass, we would be down about 5% in revenue.

Responding to a question from Councilwoman Nichols, he said the Sales tax estimate for 2010 is \$75,000 above 2009. He said Sales tax is doing quite well. He said the .3 % Transit tax the voters approved is estimated to generate \$250,000. He said they are currently looking at a proposed 3%

increase for Utilities - water, sewer and garbage, which amounts to an average \$1.88 per month increase to the residential customer.

Mayor Jones said the Council will be delving into the budget next week.

The City Supervisor noted he has already contacted Yakima Transit about increasing their stops to add a stop out at the medical center that is being built on North Park Drive.

Councilman Overby said there is a fairly healthy transit surplus, so he would like to talk about benches and shelters along the route. Since there were no further questions or comments, the Mayor closed the Public Hearing and moved on to Item L - Old Business.

K. New Business

L. Old Business

1. Speyers Road Improvement Project

Public Works Director Joe Henne stated Item L - 1 Speyers Road Improvement Project is on the agenda for information only.

Mayor Jones said they hauled in 700 tons of gravel last week.

Mr. Henne said they were having problems getting concrete, but Speyers should be paved by the middle of next week.

Councilwoman Nichols asked if the project is on schedule.

Mr. Henne responded that the paving should happen next week. He said every Wednesday he meets with the contractor for an update.

2. Well No. 8 Drilling, Casing, Testing and Pump Contract

Since there were no further questions on Speyers Road, Mr. Henne moved on to Well 8, saying that the paperwork included shows the percentage that's complete. He said they went down 625 feet and hit salt, at which point Ecology agreed to let them go ten more feet. He said there was a partial cave-in at 370 feet, so they went down and mudded that and were able to cap the well, which is artesian with about fifteen pounds of pressure. There was discussion about whether the water is warm or cold. Discussion digressed to other artesian wells.

In response to a question from Councilman Smeback regarding sand, Mr. Henne said they were cased down 330 feet, past where one of the significant sand layers was, but they still expect some sand.

In response to a question from the City Supervisor about the depth of Well 7, Mr. Henne said it's 900 to 1,000 feet deep. He said they were cased pretty far down on that one too.

He wrapped up on these projects saying they'll get main road done and start doing the driveways. He added that lots of people have praised the contractors up on Speyers for their courtesy and responsiveness.

M. Resolutions

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

Community Planner Dennis Davison addressed Resolution M-1 saying he spoke to Mrs. Rutger today, and she is working with a realtor on a possible sale agreement for the property without making any improvements. He said she is waiting to hear back from the realtor. He said his understanding is that if she doesn't get a sales agreement, she will either choose to put in the guard rail or put in the shoulder. He requested the Council to continue this item to the November 10 meeting.

Councilman Tierney moved to table consideration of the Resolution Accepting the Rutger "Notice of Intent To Annex Petition" with Four Conditions to November 10, 2009. Councilman Larson seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback - yes. Support was unanimous.

2. Resolution Initiating Intent To Vacate a Portion of former Yakima Valley Transportation Company Railroad Right-of-Way

The Community Planner explained that Resolution M-2 indicated the City intent to seek a vacation of railroad right-of-way.

Councilman Tierney moved to Approve the Resolution Initiating Intent To Vacate a Portion of former Yakima Valley Transportation Company Railroad Right-of-Way. Councilman Overby seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback - yes. Support was unanimous.

- * 3. Resolution Establishing November 24, 2009 as the Public Hearing Date To Consider Vacation of a Portion of former Yakima Valley Transportation Co. Railroad Right-of-Way Petitioned by the City of Selah

N. Ordinances

O. Communications

1. Oral

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental
 - a. 3rd Quarter Report on Solid Waste – Basin Disposal, Inc.
 - b. Transit Committee Report plus Ridership Count for the Month of September, 2009

Police Chief Stacy Dwarshuis reported he had been dealing with personnel issues, a resignation of a temp as well as a Reserve Officer. He reported they are still dealing with the data conversion issue, and

Mr. Noe is dealing with the contractual language of agreement with County Department of Corrections. He urged everyone to drive carefully during the Halloween holidays.

Councilwoman Denise Nichols said she enjoyed reading the 7th grade students' letters, thought they were creative, and was very impressed. She said she just picked up a flyer on free yard waste and asked how it would be advertised. She read the flyer to the YPAC camera.

Councilman Keith Larson reported that at the last Yakima Valley Mayors meeting Sunnyside Mayor Pro Tem Jim Restucci chaired the meeting in Mayor Jones's absence. Representatives Charles Ross, Norm Johnson and David Taylor attended the meeting. He said he was impressed with them, their demeanor and their attitude. He said it was refreshing to hear them. He noted each representative commented that it really helps them to hear from us. The Councilman encouraged Council Members to write them and to support their efforts.

Mayor Jones said the Valley Mayors' meetings are vital, and he was sorry to have missed it. He thanked the Mayor Pro Tem for representing the City. He reported that he and the Fire Chief attended an EMS meeting this morning where they voted to purchase an \$11,000 mannequin.

Fire Chief Jerry Davis explained that the mannequin has a heart rate, respiration, pulse, everything. He said training with it will be very valuable to his volunteers and staff.

Councilman Tierney urged everyone to vote.

Councilwoman Nichols asked if the Mayor would write to the class that sent the letters.

Mayor Jones said he wants to visit the class personally and maybe explain the costs connected with some of their proposed projects. He explained the picture of McGonagle Field displayed on the Judge's bench was taken by Eric Munson's son and was presented to the City by Eric Munson. He noted it was done for the Little League auction.

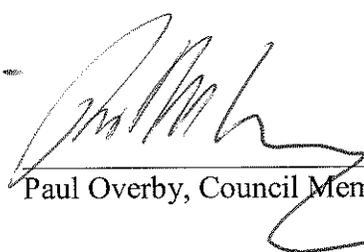
Q. Executive Session

A fifteen minute Executive Session on litigation was held in the Study Session time slot.

R. Adjournment

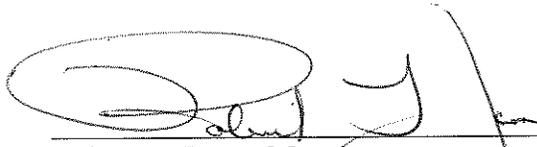
Council Member Overby moved, and Council Member Larson seconded that the meeting be adjourned. By voice vote, the motion passed unanimously.

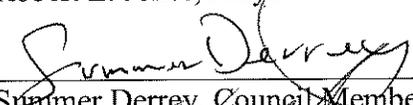
The meeting adjourned at 5:00pm.

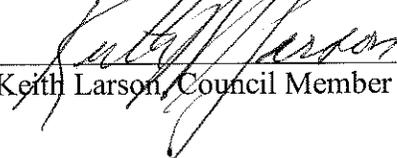


Paul Overby, Council Member

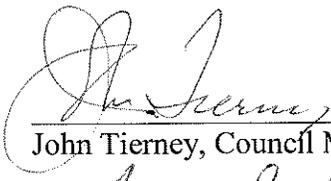
Denise Nichols, Council Member
Selah City Council Minutes 10/27/09



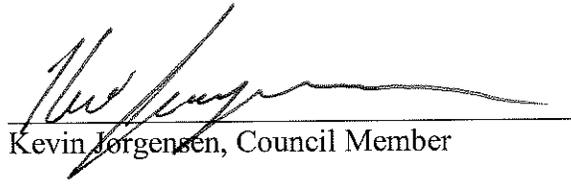
Robert L. Jones, Mayor


Summer Derrey, Council Member


Keith Larson, Council Member



John Tierney, Council Member



Kevin Jorgensen, Council Member



Dave Smeback, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer