

City of Selah
Council Minutes
February 24, 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: Summer Derrey, Keith Larson, Paul Overby, John Tierney

Members Excused: Kevin Jorgensen, Denise Nichols

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Gary Hanna, Deputy Fire Chief; Stacy Dwarshuis, Police Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner, Jeff Hagler, Parks & Recreation Director

C. Pledge of Allegiance

Councilwoman Derry led the Pledge of Allegiance. Selah Covenant Youth Pastor Bob Nass led the group in prayer.

D. Agenda Changes

Resolution M – 4 was added to the Agenda.

E. Public Appearances

1. Selah Chamber Economic Development Committee

Bill Jenkins reported that the Chamber of Commerce Economic Development Committee has been gathering information up to this point, but now they have plans to report.

He introduced Committee Member Wendy Culver who passed out plans for replacement of the sign at the entrance to the City. She said this project has brought groups together that do not normally work together, the Selah Lions Club, Kiwanis, DOT, and the Chamber. She said Western Materials will donate rock for the project if shipping is paid. She suggested the potential for solar lighting, noting they are estimating the project will run approximately \$11,000. She said this project stems from the City's recommendation that the Chamber have an Economic Development Committee. She said this project is tangible, and the community can buy into it. She said community organizations are behind it, and DOT has been very supportive. She promised the committee will keep the City updated as they proceed, and

noted Selah is unique in that a State Highway runs through it. She said the current sign is in the highway right-of-way. She said a city is only allowed two entrance signs.

Mayor Jones asked Public Works Director Joe Henne if it would be possible to use the triangle at entrance to Elks as a location for the sign.

Mr. Henne said that is DOT right-of-way.

Bill Jenkins said they might have to take down some other signs to meet the requirement.

F. Getting To Know Our Businesses

G. Communications

1. Oral

City Supervisor Frank Sweet said he would like to give an update on 605 Southern.

Mayor Jones invited students to come in and be seated.

Wayne Petterson, Selah Loop Road, addressed the Council noting he first came before the Council when he had only lived in Selah for two weeks. He asked what process he would have to go through to get the school district incorporated into the City so that residents can serve on City Council. He said there isn't much to attract people when softball isn't in town. He said he is aware that there are processes a City can go through to expand its boundaries.

Mayor Jones said the City would have to go through annexation.

Community Planner Dennis Davison said the City limits can't go outside of the Urban Growth Area boundary.

Mayor Jones said he would love to have Zirkle Fruit, but the County wouldn't want to lose that.

Mr. Petterson said that the Council has the right to increase that size of the Council itself without annexation. He cited examples of small cities such as Tawila (sp?) and Reardon which include members from outside areas on their councils.

City Attorney Bob Noe said he will take a look.

Mayor Jones said from his perspective the City provides recreation for all in City and County. He noted residents of the County do not pay taxes to the City to pay for those programs.

Mr. Petterson said County residents pay taxes to the school district. He identified himself as a freelance artist. He asked if he were to donate a piece of art to Selah are there forms he'd need to fill out to insure against vandalism and theft.

Mayor Jones asked what materials Mr. Petterson uses.

Mr. Petterson responded that he works in bronze, stone, steel and glass. He said he moved from Bellingham to Selah and has found it hard for people to grasp art. He said Yakima just laughed at the

possibility of a donation of art. He said ½ of every public works project has to go to art. He asked where did that ½ go, and why didn't we get it.

Councilwoman Derry asked if an art wall would work into Hwy 823.

Police Chief Dwarshuis said perhaps we could consider that.

Mr. Petterson said there was a project in LA to provide a wall. He asked what the Mayor is proudest of in Selah.

Mayor Jones said he has lived here 38 years and in that time progressed to five lanes, sidewalks, traffic lights, downtown beautification, a water feature at Veterans Park. He said he is proud of everything about this town. He said he has given twenty-five years of his life to this town.

Mr. Petterson said not everybody speaks like the Mayor. He said the common citizen laughs when asked that question.

Mayor Jones suggested they could move to Yakima.

Mr. Petterson said he didn't realize there are more renters than homeowners in Selah.

Mayor Jones said there's not just one thing, he asked what other town has complied with Title 9 better than Selah's Carlon Park. He said it is a show place. He noted 8-9 men raised the money to build McGonagle Park. He said they did go with the Parks & Rec Service area to reach out to the County. He said there are Parks Board members from the County.

Mr. Petterson said he lives here and wants to understand the area better.

Mayor Jones said it's hard for people to say something good if they don't participate.

Councilman Larson said he is proud of the City's ability to get things done. He cited the ball fields and the Civic Center.

Mayor Jones thanked Mr. Petterson.

City Supervisor Frank Sweet gave an update on 605 Southern. He noted that at the Council Meeting two weeks ago he made the comment that the City wouldn't do anything at 605 for two weeks, during which time they would be looking at the process and reporting back to the Council. He said, unfortunately, there was no reason to delay issuing the permits. So they issued the permits and let everyone know that that was happening. He said Mr. Noe is in contact with SSNA attorney to see if we can arrange an informational meeting to clarify some issues. He said the City is receiving Public Disclosure Requests when there are no documents to disclose, rather it's requesting interpretation/clarification. He said Mr. Noe and Mr. Carmody will meet, since both sides are represented by attorneys, and we will stop using open Council meetings as a forum for this issue.

City Attorney Bob Noe will follow up with SSNA Attorney Jamie Carmody.

Councilman Larson asked if it is okay to read letters if Council Members receive them.

Bob Noe responded that it's okay to read them as long as there is no quasi-judicial decision out there.

Mayor Jones moved on the Written Communication, noting he was shocked by the email.

2. Written

- a. Email from Michelle Perkins, MSW, Child Protective Service Unit, Family to Family Community Strategy Group, Selah School District Liaison

Councilman Tierney said we obviously have the right person for resource officer.

Councilman Larson expressed his praise for the Police Department.

- b. Letter from Frank Antonovich, Vice President/General Manager Charter Communications

Councilman Tierney asked if Charter Communication is current in payment of revenues to the City.

H. Proclamations/Announcements

I. Consent Agenda

Councilman Overby moved to add M-3, N-1, N-2 to the Consent Agenda. Councilman Larson seconded. By voice vote the Consent Agenda was adopted as amended.

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

- * 1. Approval of Minutes: Council Meeting January 13, 2009
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 65299 – 65393 for a total of \$ 127,843.03
 - Claims Checks Nos. 53383 – 53383 for a total of \$ 1,446.11
 - 53481 – 53481 635.83
 - 53482 – 53563 130,799.92
- * 3. Item M – 3 Resolution Establishing March 10, 2009 as the Date To Conduct a Public Hearing To Consider a Revision of the Six-Year Transportation Improvement Program for the Years 2009 to 2014
- * 4. Item N – 1 Ordinance Amending Selah Municipal Code Title 1, Chapter 1.22 To Include the Selah Fire Department Under the Civil Service Commission
- * 5. Item N – 2 Ordinance Amending Selah Municipal Code Title 1 Administration To Reflect Up-To-Date Job Titles and Classifications

J. Public Hearings

K. New Business

L. Old Business

M. Resolutions

1. Resolution Awarding the 2009 Lawn Service Contract to Valencia Lawn Service

Councilwoman Derrey asked why City maintenance people can't mow City lawns.

City Supervisor Frank Sweet said the 2009 budget provides for it, and it was decided during budget deliberations that contracting out the mowing would save money for the City.

Councilman Overby moved approval of the Resolution Awarding the 2009 Lawn Service Contract to Valencia Lawn Service. Councilman Tierney seconded. Roll was called: Council Member Tierney – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey – yes. Motion carried unanimously.

2. Resolution Adopting the Findings of Fact for the Johnson-Snodgrass Annexation (920.62.08-01)

Community Planner Dennis Davison addressed item M-2 Findings of Fact for the Johnson-Snodgrass Annexation. He explained that the Findings of Fact incorporate the actions taken and decisions made on the annexation, and he will now take them to the Boundary Review Board.

Councilman Larson moved approval of the Resolution Adopting the Findings of Fact for the Johnson-Snodgrass Annexation (920.62.08-01). Councilman Overby seconded. Roll was called: Council Member Tierney – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey – yes. Motion carried unanimously.

- * 3. Resolution Establishing March 10, 2009 as the Date To Conduct a Public Hearing To Consider a Revision of the Six-Year Transportation Improvement Program for the Years 2009 to 2014
4. Resolution Designating Specified Equipment from the Public Works Department as Surplus

Public Works Director Joe Henne addressed Resolution M-4, explaining that the four vehicles, old computer monitors, a couple of keyboards, etc. are part of the list of equipment no longer usable or needed by the Public Works Department.

Councilman Overby moved approval of the Resolution Designating Specified Equipment from the Public Works Department as Surplus. Councilman Larson seconded. Roll was called: Council Member Tierney – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey – yes. Motion carried unanimously.

N. Ordinances

- * 1. Ordinance Amending Selah Municipal Code Title 1, Chapter 1.22 To Include the Selah Fire Department Under the Civil Service Commission
- * 2. Ordinance Amending Selah Municipal Code Title 1 Administration To Reflect Up-To-Date Job Titles and Classifications

O. Communications

1. Oral

Bruce Williams addressed the Council noting that it is interesting to hear comments about beautification, and it's clear that some good things are going on. He said he would like to briefly speak in response to the City Supervisor's remarks. He said we are allowing some illegal or prohibited structures to be built in Selah. He said our Codes say that dwellings in this area must be multi-family, and these structures do not meet the Codes of multi-family dwellings nor do they comply with the court order. He said we are in violation of the Codes and we may be in violation of the court order. The City should stop construction and bring in an independent expert to evaluate whether the Codes are being complied with. He said he would like to schedule a meeting with City Supervisor Frank Sweet, other City officials involved with decisions, SSNA, two city Council Members, and two independent experts to take a look at this to determine whether decisions are in compliance. In conclusion, he said that situations such as Bernie Madoff's investment fraud happen because regulators are not regulating. He asked the Council to vote on either hiring an outside expert or scheduling a meeting such as he described.

Mayor Jones said we've made a gesture to Mr. Carmody.

Bruce Williams said that is legitimate as long as everything is put on the table, what have we done, how were those decisions made, what are the applicable Codes, how do they fit the zoning. He said they don't look at the issue as though there was slight-of-hand. He expressed his hope that the whole thing can be resolved.

Mayor Jones asked City Attorney Bob Noe to keep in contact with Mr. Carmody and said the City will let Mr. Williams know. He moved on to reports and announcements.

P. Reports/Announcements

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

Mayor Jones said that he heard the City is in line for \$1.6M for improvements to Speyers. He praised the job the Public Works Director has done in securing federal and state monies for Selah projects.

Public Works Director Joe Henne said it's a really good IOU from the Federal government that's for projects that can start construction within 190 days. He said they did surveys to determine which projects could and could not meet that deadline. He said that's why the hearing on the 6-year TIP will be held at the next Council meeting, and he hopes to have prospectus done by then as well. He said Speyers will be two-lanes with curb, gutter and sidewalk on one side. He reported they are gearing up for spring meter reading.

Community Planner Dennis Davison reported he is pushing pencils to get Joe's paperwork done for Joe's projects.

Deputy Fire Chief Gary Hanna said they are staying busy. He reported six qualified candidates went through the Civil Service selection process, and Chief Davis has offered the new firefighter position to

Ron Cline, who has been with the Department for about six years. He said Ron will start Monday, March 2.

Mayor Jones expressed his sympathy for the loss of Deputy Chief Hanna's father, Dick.

Deputy Chief Hanna said his dad was with the Selah Fire Department for thirty-eight years.

Councilman Tierney said the Council was supposed to get information on salmon recovery at today's meeting.

City Attorney Bob Noe said he spoke to the Councilman about this earlier and the Councilman would like to have an Executive Session so that the Council could discuss it more in depth.

Mayor Jones said he would prefer to wait until a full Council is present.

Councilman Tierney asked if anything has been done on the moratorium on sewer hook-ups, if people with septic systems have been notified.

Public Works Director Joe Henne said he has a draft of a letter, and he will get it out this week.

Councilman Larson reported that work on Civic Center kitchen has begun. He said Councilmen Tierney and Overby, former Council Member Allen Schmid, Mayor Jones, Councilman Larson and his father Vern Larson all worked on that the previous afternoon and evening. He noted the demolition work always goes fast, but they also got some new stuff put in as well.

He reported that there is a Donkey basketball game coming up and Council Members can give Julie their names.

He said he would also like to touch on Southern Avenue and the South Selah Neighborhood thing. He said before he got on City Council he knew very little about City government, and since then he's been learning by trial and error. He said he has been very impressed that this system of government is very open system where average, ordinary people serve on the Council and participate in the government to some extent. He said that having sat on this side of the desk for eleven years (going on twelve), he can honestly say that it is an open, honest, above-board system. He said it is frustrating when there are allegations that they're up to no good and that they're trying to skirt the law or do special favors. He said he can honestly say, sitting on the Council side of the desk, that doesn't happen and is not the attitude of anyone involved in this organization. He said what (Carl) Torkelson would have been outright allowed to do with no restrictions or anything would be to build a big apartment complex. That would have been approved, no questions asked. But, he said, what Mr. Torkelson wanted to do was build something a little better, a little different and really unique. He said that struck a chord with him and others as something that would be better than a 48-unit apartment building. He said now, however, the whole neighborhood is up in arms and wants to tear structures down. He said it was his intention to lend credibility to the project because he wanted to support something unique and better. He said he doesn't know if the South Selah Association is aware of that or if it doesn't matter, but it bothers him when this group is accused of not doing things properly or legally. He said he wanted this to work because it was something different and better than what would have been allowed outright. He said it kind of backfired, so maybe the Council should have said "no, you have to build an apartment house," and everyone would have been probably happy with that.

The City Supervisor asked if everyone agreed on early May as a potential time for a Council retreat. There was agreement.

Mayor Jones said everything has come to a grinding halt in California in contrast to last year's booming growth. He said it's great to be home, and he thanked Mayor Pro Tem Larson for filling in for him.

Q. Executive Session

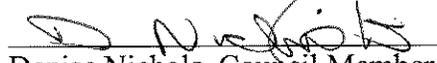
R. Adjournment

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

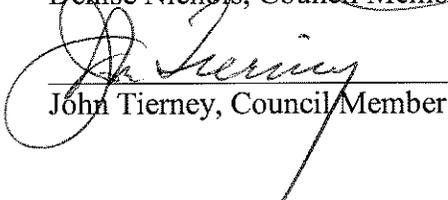
The meeting adjourned at 4:54pm.



Paul Overby, Council Member



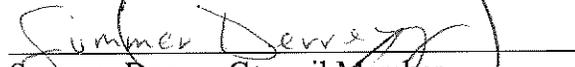
Denise Nichols, Council Member



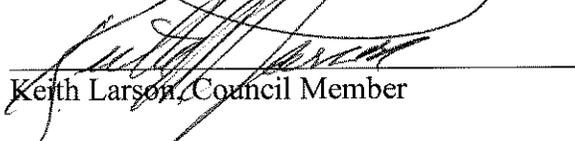
John Tierney, Council Member



Robert L. Jones, Mayor



Summer Derrey, Council Member



Keith Larson, Council Member

Kevin Jorgensen, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer