

City of Selah
Council Minutes

January 22, 2008

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

A. Call to Order Mayor Pro Tem Larson called the meeting to order at 4:00pm.

B. Roll Call

Members Present: Summer Derrey, Brian Harris, 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; Stacy Dwarshuis, Police Lieutenant; Joe Henne, Public Works Director; Jeff Hagler, Parks & Recreation Director; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilwoman Summer Derrey led the Pledge of Allegiance. Parks & Recreation Director Jeff Hagler led the group in prayer.

D. Agenda Changes

E. Public Appearances

1. Livia Petzinger – SOAR Project

The Mayor Pro Tem called on Livia Petzinger for her SOAR presentation.

Livia Petzinger, sixth grade student at Selah Intermediate School, presented her Power Point presentation on The Environmental Impact of Factory Farming, calling attention to water, air and soil pollution created when large numbers of animals are kept in a concentrated area. Her thesis was that the only way we can challenge this practice and control this pollution is to refuse to purchase from Factory Farms.

2. Community Pride Award

Mayor Pro Tem Larson presented the Community Pride Award to the Selah Girls Volleyball Team in recognition of their third consecutive state championship. Team players are: Jenna Tullis, Kierea

Meloy, Taylor Smeback, Molly Cyr, Christy Daniels, Miranda Gunvaldson, Erin Smith, Sasha Valdez, Kierstin Wilson, Ashley Wilson, Kelli Jones and Emily Harris.

Councilman Brian Harris presented team members and coaches with Selah pins.

The Mayor Pro Tem presented Head Coach Darcy Scheidt and Assistant Coach Cindy Maycock with the framed award.

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

- a. Letter from Selah Resident Pink Wilkerson Regarding the Intersection of Apple Way and Terry Lane and Response from Public Works Director Joe Henne
- b. Letter from Selah Amity Club to Police Chief Rick Gutierrez Regarding Officer Tony Valencia's Presentation
- c. Information in Response to Concerns raised by Dave Hoffert of the South Selah Neighborhood Association at the January 8, 2008 Council Meeting

City Supervisor Frank Sweet summarized reasons for item 2 - c, referring to concerns Dave Hoffert expressed at the January 8, 2008 Council Meeting. He noted his investigation discovered that Mr. Hoffert should not have been required to pay an additional fee of \$250 for the appeal. That money has been returned to Mr. Hoffert through his attorney. Mr. Sweet noted the building permit issued to Carl Torkelson for property at 503 Southern (aka 614 and 616 South 5th St.) was issued in error because Mr. Torkelson did not own the property at the time the permit was issued, nor did he show that he was acting on behalf of the owner. Mr. Sweet said this has brought to light that the City has a problem with its permit application process, and that prior to issuing a permit, we need to verify that the property owner is requesting the permit or a contractor is acting on the owner's behalf.

City Attorney Bob Noe said we need a declaration from the permit applicant stating that either they own the property or are acting on behalf of the owner.

Dave Hoffert stated he remains concerned about a way to appeal the property's land use designation back to low density. He said the South Selah Neighborhood started that appeal in 2005 when they brought more than 92 signatures to the Planning Commission. Mr. Sweet said he did not see any problem with that, promising to handle that issue "the way it should be handled."

The Mayor Pro Tem thanked Frank Sweet & Bob Noe. He moved on to the Consent Agenda.

H. Proclamations/Announcements

I. Consent Agenda

Councilman Tierney stated he would like to remove Item 1, the Minutes, in order to correct an error. The Mayor Pro Tem suggested correcting the error and leaving Minutes on the Consent Agenda.

The Administrative Assistant assured the Mayor Pro Tem and Council that the error had already been corrected.

The minutes remained on the Consent Agenda.

Councilwoman Denise Nichols asked to remove item M-1, Resolution Authorizing the Mayor Pro Tem To Sign the Agreement with ThyssenKrupp Elevator for Elevator Maintenance at the Selah Police Department, from the Consent Agenda.

Councilman Tierney moved and Councilman Schmidt seconded to accept changes to the Consent Agenda. By voice vote, the motion was approved.

Mayor Pro Tem Larson read the Consent Agenda as amended.

- * 1. Approval of Minutes: Council Meeting January 8, 2008
- * 2. Approval of Claims & Payroll: Claim Checks Nos. 51055 – 51124 for a total of \$49,282.66.
- * 3. M-2 Resolution Authorizing the Mayor Pro Tem to Sign a Local Agency Agreement – CMAQ Paving Project
- * 4. M-3 Resolution Authorizing the Mayor Pro Tem To Sign the 2007 Congestion Mitigation and Air Quality (CMAQ) - Environmental Classification Summary - Hard Surfacing of Miscellaneous Alleys and Gravel Streets
- * 5. M-4 Resolution Authorizing the Mayor Pro Tem To Sign the Fuel Tax Grant Distribution Agreement for the East Fremont Avenue Project
- * 6. M-5 Resolution Authorizing the Mayor Pro Tem To Sign a Contract with Yakima County for Domestic Water and Sanitary Sewer Improvements and Funding
- * 7. M-6 Resolution Authorizing the Mayor Pro Tem To Sign the Local Agency Standard Consultant Agreement - for the CMAQ Funded Paving of Gravel Alleys and Streets
- * 8. M-7 Resolution Authorizing the Mayor Pro Tem To Sign the Local Agency Federal Aid Project Prospectus - CMAQ Paving Project

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

Councilman Schmidt moved and Councilwoman Nichols seconded to adopt the Consent Agenda as read. By voice vote, the Consent Agenda was unanimously adopted.

J. Public Hearings

K. New Business

L. Old Business

M. Resolutions

1. Resolution Authorizing the Mayor Pro Tem To Sign the Agreement with ThyssenKrupp Elevator for Elevator Maintenance at the Selah Police Department

Councilwoman Denise Nichols addressed Item M-1 stating that the landlord installed the elevator, and the City paid him back for that. She stated her belief that the landlord should be paying for maintenance in his building. She expressed concern about providing additional things for the landlord.

The City Supervisor stated the original contract said the landlord would install the elevator and the City would provide the maintenance or service on it.

The Councilwoman asked if that is written in the contract.

Mr. Sweet responded, "I don't know," noting had he known this was going to be an issue, he would have looked it up prior to the meeting. He stated the Elevator maintenance group said the new warranty maintenance expired January 17, and if the Council were to approve this today, it would be retroactive to the 17th. Mr. Sweet stated his perception that the City would be paying for maintenance

Councilman Overby asked how long the lease agreement term is for the building. It was determined that the lease is for twelve years. Mr. Overby noted that the elevator maintenance agreement term is five years and stated his concern that the City would be "stuck" paying for an extra three years.

City Attorney Bob Noe noted we can renegotiate the maintenance agreement every five years. He added that there is a way to get out of the contract with 90 days notice.

Fire Chief Jerry Davis noted ThyssenKrupp Elevator provides good service, and their pricing seems to be competitive. Councilwoman Nichols stated her question doesn't stem from whether this is a good deal or not a good deal, rather from her belief that the landlord should pay for maintenance since it is his building and his elevator.

City Supervisor Frank Sweet pointed out that the City required the elevator (to meet ADA requirements). He noted had the landlord rented the building to anyone else, he wouldn't have needed an elevator.

Councilwoman Nichols stated that the City adjusted the lease to accommodate that elevator.

The City Supervisor stated the lease hasn't been readjusted, rather the City required the elevator be installed.

Councilwoman Nichols stated at that point the cost was readjusted.

Councilman Harris asked if the cost was \$4,000.

The City Supervisor confirmed that amount, stating it is the same.

Councilwoman Nichols said she thought the cost was \$3,000 before the City asked that the elevator be installed.

The City Supervisor stated that the cost was \$4,000 a month. He noted the Council is free not to approve the Resolution.

Councilman Schmidt suggested tabling the issue at this time.

Mayor Pro Tem Larson stated it is not an option for us to have an elevator and not have a service agreement.

City Supervisor Sweet stated the owner's understanding is that he would put it in and we would pay for maintenance.

Councilman Overby stated there seems to be a lot of confusion on this issue, and that he agrees that it should be tabled.

The City Supervisor stated it would help if Council Members would let him know in advance when there are issues or questions.

Councilman Harris said he believes the lease agreement is a good deal.

Councilwoman Nichols said it's just that this seems like a landlord's responsibility.

Councilman Harris said we can look it up. He defended the owner as an upright man.

Councilman Schmidt stated there's no question of the landlord's integrity. Rather, the concern is whether the agreement addresses this point.

The Mayor Pro Tem said he does not recall any language referring to who pays for what.

Clerk/Treasurer Novobielski stated that his recollection is that the tenant pays for maintenance and repair costs to the building.

Mayor Pro Tem Larson asked if there was a motion, noting his agreement with the City Supervisor that it is nice to get questions out prior to the meeting so an issue doesn't need to be tabled.

Councilman Schmidt moved to table consideration of the Resolution Authorizing the Mayor Pro Tem To Sign the Agreement with ThyssenKrupp Elevator for Elevator Maintenance at the Selah Police Department to the first Council Meeting in February 2008. Councilman Overby seconded. Roll was called: Council Member Schmidt – yes; Mayor Pro Tem Larson – no; Council Member Overby – yes; Council Member Nichols – yes; Council Member Harris – no; Council Member Derrey – yes; Council Member Tierney – yes. Motion carried, five to two.

- * 2. Resolution Authorizing the Mayor Pro Tem to Sign a Local Agency Agreement – CMAQ Paving Project
- * 3. Resolution Authorizing the Mayor Pro Tem To Sign the 2007 Congestion Mitigation and Air Quality (CMAQ) - Environmental Classification Summary - Hard Surfacing of Miscellaneous Alleys and Gravel Streets
- * 4. Resolution Authorizing the Mayor Pro Tem To Sign the Fuel Tax Grant Distribution Agreement for the East Fremont Avenue Project

- * 5. Resolution Authorizing the Mayor Pro Tem To Sign a Contract with Yakima County for Domestic Water and Sanitary Sewer Improvements and Funding
- * 6. Resolution Authorizing the Mayor Pro Tem To Sign the Local Agency Standard Consultant Agreement - for the CMAQ Funded Paving of Gravel Alleys and Streets
- * 7. Resolution Authorizing the Mayor Pro Tem To Sign the Local Agency Federal Aid Project Prospectus - CMAQ Paving Project
- 8. Resolution Authorizing the Mayor Pro Tem To Sign an Agreement between the City of Selah and Integrity Janitorial for Janitorial Services

Clerk/Treasurer Dale Novobielski addressed item M-8 dealing with cleaning services for four buildings in the City: City Hall, Public Works, Police Station and Wastewater Treatment Plant. He noted he received three bids. He recommended awarding the contract to Integrity Janitorial. He noted the cost would be somewhat reduced from what the City is currently paying, and he has received positive recommendations.

Councilwoman Nichols asked if a background check was done.

The Clerk/Treasurer stated they are bonded and licensed, but no background check is usually done.

Police Lieutenant Dwarshuis there are some restrictions, but it would be up to them whether we could do a background check.

The Clerk/Treasurer stated that sensitive Police records are likely secured, just as financial records are.

Councilman Schmidt asked if these people have cleaned here before.

The Clerk/Treasurer stated that when they can in to apply they demonstrated their proficiency in cleaning restrooms.

Councilman Schmidt said he was concerned when he found the building open one evening.

Mr. Novobielski assured him that these cleaners could not have been responsible.

Councilman Overby moved approval of the Resolution Authorizing the Mayor Pro Tem To Sign an Agreement between the City of Selah and Integrity Janitorial for Janitorial Services. Councilwoman Nichols seconded. Roll was called: Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Harris – yes; Council Member Derrey – yes; Council Member Tierney – yes. Motion passed unanimously.

N. Ordinances

- 1. Ordinance Amending the 2008 Budget for the Purchase of a Bucket Truck

Public Works Director Joe Henne addressed item N-1 noting he bought the City's current bucket truck about eight years ago and has been using it for street sign maintenance, tree trimming, putting up Christmas decorations, etc. He said they have had repair bills in the past, and now the motor that runs

the hydraulic for the bucket lift has gone out. He stated he checked with Pacific Power and Ellensburg Telephone neither of whom had a truck available. He noted he finally found a '93 Ford Utility Truck 1 ½ ton. He noted it will need a new door on the driver's side. He stated they've offered him \$2,000 trade in on the old truck. He stated Public Works will pay part and Parks will pay part, and both departments will use it.

Councilman Harris asked questions regarding mileage and relative condition of the trucks.

Councilman Schmidt moved approval of the Ordinance Amending the 2008 Budget for the Purchase of a Bucket Truck. Councilman Tierney seconded. Roll was called: Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Harris – abstain; Council Member Derrey – yes; Council Member Tierney – yes. Motion passed with one abstention.

O. Communications

1. Oral

P. Reports/Announcements

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

- a. Fire Department Hoseline, 4th Quarter 2007

Public Works Director Joe Henne thanked the Council for moving through CMAQ resolutions so quickly. He reported they are hoping to start East Fremont construction in June, and they've sent out fliers to owners and hand delivered them to residents. He noted they will have a public meeting in mid March. He stated East Fremont will look just like West Fremont, and on-street parking will be eliminated. He stated his hope to have 80% of the project done by the time school starts. He reported he met with DOT's design team last week to discuss the light scheduled for East Fremont and North Wenas, and they are starting surveys for the Corridor project. He noted Fremont provides a corridor to SR 823.

Fire Chief Jerry Davis reported the Fire Department broke their record of 1077 emergency responses in 2007, and they have already had 80 calls thus far in 2008. He said they are pushing career people with daytime calls. He reported Fire Station #1 was vandalized this weekend, and contractors have not been responsive about repairing that damage.

Councilman Schmidt requested a moment of silence for the loss of Planning Commission Chairman Gerald Perryman. He requested a card go to his widow from the Council. The Council and Staff observed a moment of silence.

Parks & Recreation Director Jeff Hagler reported the Selah Parks & Recreation Service Area Board will meet with the Parks & Rec Board on February 4, 2008 at the Civic Center at 4:00pm. He reported they have gone forward with purchase of large area mower at \$51,495 and also with the Gator at \$5388. He noted they will wait on the small mower/bagger to see if they can get a better price on that.

Councilman Harris thanked the Council for giving the award to the girls' volleyball team. He explained his abstention from the vote on the bucket truck, noting he should have gone to look at it prior to the meeting.

Mayor Pro Tem Keith Larson reported that Patty Murray's office called Frank Sweet a couple of weeks ago wanting to know City's wish list for federal help. He stated Mr. Sweet put together a packet that included the soccer complex. He reported he and the City Supervisor met with Senator Murray's assistant. He further reported that Representative Charles Ross also came by, the they forwarded the information packet to both Senator Curtis King and Representative Mary Skinner. He noted they requested help with the school resource officer, and paving at Carlon and McGonagle.

Councilman Tierney called the Council's attention to the anti-gang bill currently in the legislature, which would provide a couple of million dollars for anti-graffiti.

Q. Executive Session

No Executive Session was scheduled.

R. Adjournment

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

The meeting adjourned at 5:02pm.

Keith Larson, Mayor Pro Tem

Paul Overby, Council Member

Summer Derrey, Council Member

Denise Nichols, Council Member

Brian Harris, Council Member

Herb Schmidt, Council Member

John Tierney, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer