

City of Selah
Council Minutes

June 13, 2006

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

A. Call to Order Mayor Jones called the meeting to order at 3:58pm.

B. Roll Call

Members Present: Brian Harris, Keith Larson, Denise Nichols, Paul Overby, Allen Schmid, Herb Schmidt; Scott Smeback

Members Excused:

Staff Present: Frank Sweet, City Supervisor; Darin Spang, City Attorney; Jerry Davis, Fire Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance. Pastor Bob Porterfield read from the Book of Proverbs and led the group in prayer.

D. Agenda Changes

E. Public Appearances

Mayor Jones presented bricks to new Council Members Denise Nichols and Paul Overby.

F. Getting To Know Our Businesses

G. Communications

1. Oral

Kathy Hoffert, 606 Southern, spoke on the issue of meeting time, saying she agrees that Council Meetings are not the appropriate forum for community participation. She expressed her hope that the Council consider an evening type meeting to address important issues.

Mayor Jones used the example of an Emergency Management forum held this spring that was sparsely attended. He stated he was disappointed in the turnout.

2. Written

H. Proclamations/Announcements

I. Consent Agenda

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

- * 1. Approval of Minutes: Council Meeting & Study Session May 23, 2006
- * 2. Approval of Claims & Payroll: Claims check nos. 47530 – 47632 for a total of \$67,862.09 and Payroll checks nos. 58672 – 58757 for a total of \$158,873.91.

Mayor Jones read the Consent Agenda.

Council Member Schmid moved to accept the Consent Agenda. Council Member Larson seconded. By voice vote, motion passed unanimously.

J. Public Hearings

K. New Business

- 1. Proposed Changes in the Makeup of the Executive Committee of the Yakima Valley Conference of Governments

Mayor Jones introduced New Business Item K-1 concerning ideas for the makeup of Executive Committee of Conference of Governments.

Councilman Schmid stated now that Board is comprised of one County Commissioner, one Councilmember from the City of Yakima, one Councilmember from small cities, one Councilmember from large cities, and one at-large Planning Commission member . He stated one of the things they're having a problem with is that the current makeup excludes some communities such as Sunnyside. He stated plan A allows for the same sized board as currently exists, B makes a position for Sunnyside and spreads others geographically, and C, which the mayors favor, allows for three representatives from like-sized communities.

Mayor Jones stated C integrates all cities based on population.

Councilman Schmid further explained proposal C.

Mayor Jones polled the Council.

Councilwoman Nichols stated she would support whatever the Mayor and Councilman Schmid prefer.

Councilman Smeback stated choice A.

Councilman Larson stated B, but that he would go with whatever the Mayor and Councilman Schmid prefer.

Councilman Harris asked what would happen if there was a tie.

Mayor Jones responded the chairman has a vote.

Mr. Harris stated choice C.

Councilman Schmidt stated choice C.

Councilman Overby stated choice B.

Councilman Schmid repeated his choice of C. He said Mayor Jones will take this recommendation to Mayors' meeting.

Mayor Jones said he does not like the term "Lower Valley" and prefers population.

2. Request for Sponsorship Funding from the Yakima 4th of July Celebration Committee

City Supervisor Frank Sweet addressed K-2, noting he agrees with the Mayor on the recommendation to deny. He stated the City did support the celebration when Yakima Transit came out here to pick people up for the 4th of July activities. He noted other cities do not contribute to Selah Days.

Mayor Jones stated we ask nobody for help for our festivities.

Councilman Overby stated it's interesting that they want \$2,000 out of us when Union Gap isn't even contributing that much.

Councilman Schmid stated it is important to take a look at the fact that this is a county-wide celebration. He noted his agreement with the Mayor that since we haven't budgeted, we should not participate this year. He said the committee ought to be going to the County for funding rather than to the cities.

Council Member Nichols moved to deny the Request for Sponsorship Funding from the Yakima 4th of July Celebration Committee. Council Member Schmid seconded. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – yes; Council Member Overby – yes; Council Member Larson – yes; Council Member Harris – yes.

The Mayor asked the City Supervisor to convey that decision to the committee. He suggested they might want to consider this earlier next year.

Councilwoman Nichols suggested we convey the fact that government funds are tight.

L. Old Business

M. Resolutions

- * 1. Resolution Establishing Public Hearing Date of June 27, 2006 To Consider the Six-Year Transportation Improvement Program for the Years 2007 to 2012

City Attorney Darin Spang stated Resolutions M-2, M-3 and M-4 are the updated contracts discussed at the previous meeting. He stated he will further amend the Yakima Sport Supply contract to reflect the

payment of \$2,500 twice a year. The City Supervisor noted the clarification of "naming" of the fields rather than "advertising."

Councilman Smeback asked if they should be voted on individually, which the City Attorney affirmed.

2. Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Bill Harris Used Cars for Field Naming Privilege at Carlon Park Girls' Fastpitch Complex

Council Member Schmid moved to approve the Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Bill Harris Used Cars for Field Naming Privilege at Carlon Park Girls' Fastpitch Complex. Council Member Larson seconded.

Councilwoman Nichols stated her opposition to a 30-year agreement. She further stated she would like to see the City come up with a policy that speaks to naming parks and advertising at parks.

There was discussion about the \$100 per year sign maintenance figure.

The City Supervisor stated he estimated the total between \$800-1,000 to maintain all of the signs every eight to ten years.

The City Attorney stated he would change that figure in the contracts to \$33 per year.

Councilman Schmidt asked Councilwoman Nichols what her research determined regarding naming vs. advertising term limitation. She stated advertising contracts are usually for 3-4 years, while naming rights for a facility like Safeco Field are for more like 20 years, and naming a park is forever.

Councilwoman Nichols stated last time it was confusing whether we were advertising or naming and noted her hope that a future council would have the option to allow advertising on fields if that were necessary to keep the parks open.

Councilman Schmid stated he is opposed to advertising on fields; Carlon Park looks clean, and he hopes it will stay that way. He said he can understand why Councilwoman Nichols objects to the 30-year term.

Councilwoman Nichols stated if it ever comes to the point a park might close because of lack of funding, then we should have the option to allow advertising.

Councilman Overby asked if they are mutually exclusive. The consensus was no.

Councilman Schmidt stated he is also uncomfortable with 30-year term, but does support the rewording and clarification.

Mayor Jones reminded the Council they voted a 30-year contract on garbage.

Councilman Schmid stated the contract should include the substitution of \$33, and amended his motion to include the \$33 a year maintenance figure. Councilman Larson amended his second. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes;

Council Member Nichols – no; Council Member Overby – yes; Council Member Larson – yes; Council Member Harris – yes. Motion carried 6 - 1.

3. Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Yakima Sports Supply for Field Naming Privilege at Carlon Park Girls' Fastpitch Complex

Council Member Schmid moved to approve the Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Yakima Sports Supply for Field Naming Privilege at Carlon Park Girls' Fastpitch Complex, including the \$33 figure and payments of \$2500 in June and October. Council Member Larson seconded. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – no; Council Member Overby – yes; Council Member Larson – yes; Council Member Harris – yes. Motion carried 6 - 1.

4. Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Yakama Juice LLC for Field Naming Privilege at Carlon Park Girls' Fastpitch Complex

Council Member Schmid moved to approve the Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Yakima Juice LLC for Field Naming Privilege at Carlon Park Girls' Fastpitch Complex, to include the \$33 figure. Council Member Larson seconded. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – no; Council Member Overby – yes; Council Member Larson – yes; Council Member Harris – yes. Motion carried 6 - 1.

5. Resolution Approving the Preliminary Plat of "Valhalla Heights, Phase I"

Community Planner Dennis Davison presented Resolution M-5 to approve the Hearing Examiner's recommendation of Valhalla Heights Phase 1. He explained the Councils' options are: #1 to accept, #2 to reject and call for their own Public Hearing, or #3 to send back to the Hearing Examiner for clarification.

Councilman Schmidt stated the Council has frequently discussed building on lots higher than 1300 vertical feet and the need for booster pumps as well as related costs on running those pumps and problems for the fire department going from 12% to 15%. He summarized that he sees some problems with this particular proposal.

Councilman Overby noted a letter concerning the geology of the area, but that he found no consideration of geology in the Hearing Examiner's report.

Mr. Davison stated the proposal is above our recommended area, noting a booster pump would have to be designed to work for this and to meet City and state standards, and he would assume this would be handled similarly to Orchard Estates. He stated the road is classified as a collector, so the HE determined it would be okay to have a grade of 12%. He stated Mr. Patterson wrote about geology, and he would assume that Hearing Examiner either did his own examination or because the county did not provide documentation in support of that letter, he disallowed it.

Councilman Schmidt stated to rely on booster pumps is to ignore fire danger. He further stated that the road might become an arterial.

The Community Planner stated the road is not currently classified as an arterial.

Mayor Jones stated cul-de-sacs are a nightmare for fire and police, noting he would like to know where Phase 2 will go.

Mr. Davison stated they can show a future road, but unless right-of-way is secured, they can't guarantee it will actually be built there.

Councilman Schmid stated we have been very cautious; this is only Phase 1, but Phase 2 might never be built and then we'd have a major concern. He noted in regards to recommendation no. 3, he would like more concrete information on how the City is going to serve this area where most, if not all, of the lots are above 1390 feet. He stated that we need to have something that shows us how this will all be accomplished. He stated he, too, is concerned about the geology.

Dennis Davison stated the language is the same language we used on Mr. Johnson's 16th street development. He stated the Huibregtse letter includes reference to a booster station. In regards to the one access in Orchard View Estates, the Hearing Examiner demanded the street be realigned. He reminded the Council of their three options.

Charles Johnson, 11 East 1st Avenue, Ste. 3, stated the engineering shows there is no 14% grade on his property; the maximum actual is 12%. He noted the City has approved up to 15% in the past. He stated up to 30 dwelling units with only one access are allowed in a subdivision, and if there are any rules against that he would like to see a copy. He stated it is not physically possible to run a road all the way from one end to the other when you are working in phases. He stated the water area up on Goodlander is different than Fremont and Heritage Hills in that there is no reservoir planned; that's the reason the Orchard View pump station was approved. He said it would be inconsistent to deny this when have approved Orchard View. He noted with approval of the preliminary plat, he has no problem having PLSA do the design work and having Huibregtse or anyone else review.

Council Member Smeback asked if Mr. Johnson would be opposed to an on-site reservoir.

Mr. Johnson stated he is not opposed, that's just usually done by the City.

Councilman Overby stated his belief the geology should be studied.

Mr. Johnson stated this site is no different than Heritage Hills.

Councilman Overby stated the hills around here are not all basalt, there's a lot of sedimentary material and we don't know what else there is.

Mayor Jones stated water pressure is important because residents will call the City if their pressure is inadequate. He reminded Mr. Johnson of his poor history on dust abatement. He stated he would like to hold off and give the Council an opportunity to hold its own Public Hearing.

Councilman Schmidt said since we are starting to develop on higher vertical, we need to look at our own infrastructure. He moved the Council reject the Hearing Examiner's recommendation and hold its own hearing. Councilman Overby seconded.

Councilman Larson asked if holding the Council's own Public Hearing would be the only way to take new testimony.

The Community Planner confirmed that.

Mayor Jones noted there has always been a plan for a reservoir on City property at the top of that hill.

Councilman Schmid asked if this property is in a water benefit area.

The Community Planner responded no, we do not have a reservoir up there at present.

The Public Works Director noted this is covered by "all lots within the City" for fire protection. He stated the proposed subdivision is above the reservoir, so zero water would be available to residents if the pump fails. It would be totally dependent on the booster pump.

Councilman Schmid if we go to a booster station there, and we don't have a dual system, it will go down, and we'll have people sitting up there with no water.

Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – yes; Council Member Overby – yes; Council Member Larson – yes; Council Member Harris – yes.

The Community Planner said this Hearing would probably at the first meeting in July.

- * 6. Resolution Authorizing the Mayor To Sign a Communications Services Agreement with the Yakima County Sheriff's Offices for 2006

N. Ordinances

- 1. Ordinance of the City of Selah Adopting a new Selah Municipal Code Chapter 4.40, "Car Wash Fundraisers"; Providing for Severability; and Establishing an Effective Date

City Attorney Spang addressed the carwash ordinance pointing out changes made reflecting concerns expressed by Council Members in prior discussion.

Councilman Schmidt asked how the City would know the group did not have more than two carwashes.

Mr. Spang stated we would use the permit process to track the numbers.

Councilman Schmid moved approval to include effective date of July 15.

Mayor Jones stated he plans to talk to businesses to make them aware of the change.

Councilman Harris seconded.

Councilwoman Nichols asked about the limitation on locations. There was some discussion about carwash businesses as sites for fundraising carwashes.

Mayor Jones stated we must look out for stormwater. There ensued additional discussion.

The City Supervisor stated the current language only allows two per location, precluding commercial carwashes from having more.

City Attorney Spang stated he can make that modification.

Council Member Smeback moved to table N-1 to allow attorney to make changes discussed.

Mayor Jones tabled the issue, noting he will take the ordinance around to businesses in advance of the next Council meeting.

2. Ordinance Creating a Latecomer's Agreement between the City of Selah and David Van Alstine

Public Works Director Joe Henne addressed Item N-2 drawing the Councils' attention to the final page in the packet, a map illustrating the proposed extension of the sewer line up 12th Street past Cherry and the inclusion of lots 23, 24, 25 and 14 as part of a latecomer's agreement.

Mayor Jones stated the need to warn the owner of Lot 14 that he needs to plan ahead before the next time the street is repaved because of the five-year moratorium.

Council Member Schmid stated Mr. VanAlstine is evidently having a concern with his structure on Lot 13.

Mr. Henne responded that the Health District ruled Mr. VanAlstine's septic system sub-standard for his remodel. He stated the agreement lays out the parcels, projects the cost and establishes the amount, interest, and sets a ten-year time period.

Community Planner Dennis Davison stated back when the Council adopted a sewer plant investment fee, all existing houses could hookup for \$48, but if they did not do it within the prescribed ten-year period, they would have to pay for the extension of the sewer line to their residence plus a new build hookup fee (\$1,000+).

Council Member Schmid stated in the recent past we have discouraged latecomer's agreements for water and sewer, and he asked why we didn't encourage him to do an LID.

Mr. Henne responded that was because Mr. VanAlstine believed we were still doing latecomer's agreements.

The Community Planner stated he has reviewed the minutes for the Goodlander Heights development, and the Council rejected latecomer's agreement for anything other than direct connects. He noted the neighbors do not want an LID. Councilman Schmid stated Mr. VanAlstine would be getting the benefit.

Mayor Jones asked if Mr. VanAlstine went to the Health District and told them bringing in the sewer would be cost prohibitive, would the Health District allow him to upgrade his septic system.

The Community Planner stated if Mr. VanAlstine left the house the way it is, he could stay on septic. It is the remodeled structure that creates the problem. The City Supervisor asked if Mr. VanAlstine has already done the improvement.

The Public Works Director responded that the improvements have already been made. He noted the Health District requires that if a sewer line is within 200 feet, you must connect. The City Supervisor asked if Mr. VanAlstine is within 200 feet of the sewer line.

Council Member Larson stated the latecomer's issue came up because of confusion of direct versus indirect connections.

Council Member Schmidt stated if he's within 200 feet and the health district requires it, he should be able to hookup.

The City Supervisor he is already able to hookup, but without the latecomer's agreement he can't recoup half of his cost from the other people when they hookup. Council Member Larson stated his agreement with the Community Planner, if we deny the latecomer's agreement, we should revisit our ordinances and Codes. Council Member Schmid stated the Code says the City may provide for latecomer's agreements, but that hasn't stopped the Council from denying them in the past.

Dennis Davison stated he doesn't believe minutes say that, rather they preclude indirect sewer connections.

Councilman Schmidt moved and Councilman Smeback seconded to table to June 27, 2006. This issue was tabled to the June 27 meeting.

O. Communications

1. Oral

Kathy Hoffert asked whether the carwash ordinance would apply to private property such as a church. It was the consensus of the Council that the rules would apply to any property in the City.

Council Member Scott Smeback explained the stormwater issue to Mrs. Hoffert.

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental
 - a. Utility System Debt Service Summary
 - b. Planning Commission Minutes of April 18, 2006 - Approved
 - c. Selah-YCFD #2 2005 Annual Report (separate notebook)

Clerk/Treasurer Dale Novobielski reported he has handed out the May financial reports. He stated the process of changing the lighting fixtures in City Hall will begin tomorrow.

Public works Director Joe Henne reported the Crusher Canyon project has had a smooth beginning. He noted there is information about the project on the City website and in the school newsletter.

Community Planner Dennis Davison reported his project update worksheet will be in Council Members' boxes on Friday. He further reported he notified those on Southern who had requested information about the Public Hearing on the Erickson short plat.

City Attorney Darin Spang reported the Court income is at 60% and expenditure is at 40% for the year.

Council Member Schmidt reported the Safety Committee has been meeting bi-monthly and will meet again in September. He stated he appreciates that his suggestion on land-use signs has been used, noting that gives people the option of knowing what's going on in their neighborhood.

Council Member Harris praised Kathy Hoffert for staying for the whole Council meeting. He noted it is six o'clock and no other citizens have arrived.

Council Member Smeback reported the tournaments at Carlon have gone very well, with the fields withstanding rain and remaining playable. He stated traffic is going to cause some problems for emergency services. He suggested some kind of striping to protect a lane for access. Discussion ensued.

Mayor Jones said he will get with Joe Henne and come up with a plan. He complimented Jerry Davis on the Fire Department report and the Police Department on their handling of a potential problem in the Parks. He stated he will go to Tieton tomorrow to attend a celebration of Flag Day and dedication of their new park.

Q. Executive Session

R. Adjournment

Council Member Schmidt moved and Council Member Larson seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 6:06pm.

Robert L. Jones, Mayor

Paul Overby, Council Member

Keith Larson, Council Member

Denise Nichols, Council Member

Brian Harris, Council Member

Herb Schmidt, Council Member

Allen Schmid, Council Member

Scott Smeback, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer