

City of Selah
Council Minutes
March 22, 2011

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; Paul Overby; John Tierney; Dave Smeback; John Gawlik;
Allen Schmid

Members Excused: Kevin Jorgensen

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Jeff Hagler, Parks,
Recreation & Tourism Director; Joe Henne, Public Works Director; Jerry
Davis, Fire Chief; Dennis Davison, Community Planner; Monica Lake,
Executive Assistant

C. Pledge of Allegiance

Councilman Larson led the Pledge of Allegiance. Parks, Recreation & Tourism Director Hagler led the opening prayer.

D. Agenda Changes **None**

E. Public Appearances

Councilman Schmid read a letter from the Washington State Amateur Softball Association, awarding Tournament Director Allen Schmid, Assistant Director Carol Finney and JR Commissioner Scott Busby the James Farrell Award of Excellence for conducting one of the highest rated national softball tournaments in 2010. He passed around the certificate to the other Council Members as he explained the importance of this award in bidding for future championships on the national level. He then introduced Scott Busby to the Council.

The Council expressed their appreciation for the efforts of Councilman Schmid, Ms. Finney and Mr. Busby.

Mayor Jones commented that the park looks great every day, and commended Parks, Recreation & Tourism Director Hagler and his crew.

F. Getting To Know Our Businesses **None**

G. Communications

1. Oral

The Mayor opened the Public Meeting. Seeing no one rise to speak, he then closed it.

2. Written

- a. Letter from Charter Communications, Inc. re: Financial Restructuring
- b. Letter from City of Yakima, Transit Division re: Invoice for Dial-A-Ride (DAR) Fuel and Insurance Cost for February 2011
- c. Letter from Dr. Steve Chestnut, Superintendent of the Selah School District, appointing Ken Pendleton to the Parks & Recreation Board for 2011
- d. Certificate of Energy Resource Stewardship to the City of Selah

Mayor Jones read the titles of the written communications, and commented that Public Works Director Henne's efforts were responsible for the Certificate awarded to the City.

Public Works Director Henne said that it was a team effort.

Councilman Schmid inquired if that was for the well pumps.

Public Works Director Henne replied that the last one was for Well No. 8.

Councilman Schmid then said that we need to pursue that for the new Public Works facility.

Public Works Director Henne replied that the plans have already been submitted to Pacific Power, and they are working on it.

H. Proclamations/Announcements **None**

I. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

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

* 1. Approval of Minutes: Study Session & Council Meeting February 22, 2011

* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 70536 – 70633 for a total of \$184,598.08
Payroll Checks Nos. 70634 – 70724 for a total of \$132,914.22
Claim Checks No. 57749 for a total of \$ 196.44
Claim Checks Nos. 57750 – 57772 for a total of \$ 285.08
Claim Checks Nos. 57773 – 57850 for a total of \$150,674.36
Claim Checks Nos. 57851 – 57878 for a total of \$ 356.50
Claim Checks Nos. 57879 – 57903 for a total of \$ 1,927.00

Councilman Gawlik moved, and Councilman Tierney seconded, to approve the Consent Agenda as read. By voice vote, approval of the Consent Agenda was unanimous.

- J. Public Hearings **None**
- K. New Business **None**
- L. Old Business **None**
- M. Resolutions

1. Resolution Authorizing the Mayor to Sign an Amendment to the Interlocal Correction / Detention Agreement with the Yakima County Department of Corrections for 2011

City Supervisor Sweet addressed M-1. He read a brief statement from Police Chief Dwarshuis, which talked about the language in the contract that Yakima County Corrections Director Campbell was included in error on this year's contract.

Councilman Tierney commented that an error on their part, after the existing contract was signed by all parties, didn't necessitate a need for an amendment to be signed by the Council. He went on to say that he felt they should simply live with the existing contract until next year.

Councilman Gawlik concurred, saying that a contractual agreement reviewed and signed by all parties is legally binding, except in regards to items such as contract violations.

Councilman Tierney asked for City Attorney Noe's opinion on the matter.

City Attorney Noe replied that the parties would have to agree to change it, and reiterated that the verbiage change removes language that applied to their agreements with Lower Valley agencies when the County was still providing prisoner transport. He affirmed that the contract is valid until the Council opts to change it.

Councilman Gawlik said that Selah transports their prisoners to Central Booking, and also retrieves them as needed for Court appearances. He commented that we are not a part of the transport issues between the County and the Lower Valley.

Mayor Jones asked for a motion on the matter.

Councilman Tierney moved, and Councilman Gawlik seconded, to Reject the Resolution Authorizing the Mayor to Sign an Amendment to the Interlocal Correction / Detention Agreement with the Yakima County Department of Corrections for 2011. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous to Reject the Resolution.

2. Resolution Authorizing the Mayor to Sign an Amendment to the Interlocal Agreement for Transit Services with City of Yakima / Yakima Transit effective January 1, 2009

Councilman Overby addressed M-2. He talked about the changes in the amendment, such as the extended routes added in last year, and the addition of Sunday services for both the buses and Dial-A-Ride. He briefly explained the financial expenditures, touching on Selah's funding from the three-tenths of a percent tax and the status of the reserves, and mentioned the grant Yakima Transit received that defrays some of the expenses. He indicated that the Sunday services are easily affordable under the current financial situation.

Councilman Gawlik asked if the extended routes have shown an increase in bus usage.

Councilman Overby replied that if there has been an increase it has been slight, and stated that many variables, such as the season and month, can contribute to fluctuating numbers. He went on to say that it is probably less than 100 at this time, but it will take time for word to get out regarding the route changes.

Councilman Schmid inquired about the ridership expected from adding Sunday services.

Councilman Overby replied that they didn't have numbers yet, but Sunday services are frequently requested. He went on to say that the funding for Sunday services this year was made possible through a grant to Yakima Transit, and that they were anticipating decent ridership on Sundays.

Councilman Schmid asked if the grant also covered Dial-A-Ride, as it is fairly expensive.

Councilman Overby responded that he was unsure, he did know that the actual cost itself was inexpensive, and that the Dial-A-Ride was most likely not included.

Councilman Schmid commented that Sunday services may see a lot of Dial-A-Ride usage, but not a lot of bus usage.

Councilman Overby said that it is a bit of an unknown at this point, but pointed out that there was a healthy reserve right now and that the projected twenty percent hadn't actually been reflected in the monthly Dial-A-Ride costs. He said that this is a one year project, and that they can opt not to participate the next year.

Councilman Schmid expressed concern about starting up a service for one year, with future expenditures unknown, and having the people expect services to continue.

Councilman Gawlik was surprised that there hasn't been a significant increase in ridership due to the rising fuel costs. He asked if they were expecting an increase.

Councilman Overby replied that there will be additional ridership as fuel costs rise, but they were not anticipating a big increase. He then went off-topic a bit to talk about the three tenths of a percent tax allowed under City Ordinance, and that they could opt to lower it. He asked City Attorney Noe if he was correct.

City Attorney Noe responded that they did not have to tax the full three tenths of a percent allowed under the Ordinance, and that they could reduce it to a lesser amount.

Councilman Schmid talked about the ridership numbers being much lower on Saturdays than during the week, and his concern that Sunday services would have a lower number than Saturdays. He expressed concern over the financial aspect while not wanting to remove services from the people.

Councilman Overby responded that with the grant it will only cost about \$1500 a year for services to Selah, and that Dial-A-Ride is the wild card in all this. He said that the first crowds will most likely be larger and it will taper off over time. He said that Yakima is also projecting a large ridership initially that will lessen over time, and they may choose to discontinue the Sunday services in the future.

Mayor Jones commented that it needs to be understood if there isn't the ridership the service will go away, as Selah will operate within the three tenths tax. He said this will be evaluated at the end of a year.

City Supervisor Sweet corrected him, saying the end of 2011.

Councilman Gawlik expressed his confusion in regards to whether the Mayor was referring to Sunday & Saturday or the whole service.

Mayor Jones said he meant just Sunday.

Councilman Overby said that they will not go into debt over this, and if it got to that point the services would be restructured. He commented that there are more dollars coming in than are being spent, and reminded the Council that the people voted this in and obviously feel a need for these services regardless of the ridership. He again mentioned looking at a tax decrease if there was a surplus added to the reserves every month, but expressed concern over the risks involved and whether they could raise the rate again if they lowered it.

City Attorney Noe said probably not.

Mayor Jones mentioned that the money buys bus shelters and that they may look into using funds at the Civic Center for people to purchase their passes at that location.

Councilman Overby expressed his concern over a \$300,000 reserve that can only be used for transit, but acknowledged the Mayor's suggestions. He said that it didn't sit well with him, as it is a tax they levied solely for transit, and that he felt they should either extend the services beyond the current usage or see what else they can do.

City Supervisor Sweet pointed out that the three tenths is part of the sales tax, and there is no way to predict what the amount will be for 2011 and beyond. He said that they look at the revenue and expenses every month, and that if at some point the revenue doesn't support the expense than the service would get cut.

Councilman Gawlik asked if the monies couldn't be used for something such as the bus shelters.

Councilman Overby replied that they can.

Councilman Smeback said that if there was a way to find by individual who rides the buses, he would be interested in knowing that. He went on to state that he is not in favor of mass transit, and is unsure how they arrive at the numbers for service. He expressed a concern that everyone is paying for a service only a small percentage are using.

Councilman Tierney commented that it would cheaper to buy a cab for them to use.

Councilman Overby responded that this was voted in by the people, unless they wanted to put it back on a ballot.

Councilman Smeback said that you can't very well put on a ballot that they are subsidizing 45 low income individuals.

Councilman Schmid observed that if one took the daily numbers and divided them in half, the buses served about 200 people a day.

Mayor Jones mentioned that a fair amount of those are kids going to YVC, and that any time you're into mass transit it is expensive. He said that it in places like New York you have to have mass transit.

Councilman Tierney commented that in New York you don't have a car.

Mayor Jones said that people on the West Coast like to drive.

Councilman Gawlik said he is still in favor of the transit system. Regardless of whether the riders are students or adults, those folks are using the transit system.

City Supervisor Sweet commented that they should be paying for it, just as they were talking during budget meetings about people paying for the Parks & Recreation programs. He went on to say that having the three tenths of a percent increase in Selah's sales tax could make us noncompetitive for people wanting to buy in Selah. He said that you may not look at it that way, but it does make a difference whether your sales tax is 7.9 or 8.2. He commented that he understood the need to help, but thought maybe the overall impact should be looked at.

Councilman Gawlik asked what the answer would be, such as increasing the fare.

Councilman Overby said they have no control over the fares.

City Supervisor Sweet commented that the way it is set right now we have no choice.

Councilman Overby said that it would have to go back on a ballot to abolish the original; it would have to be voted on by the people. He suggested an option of taking it back to the voters with the intent of using half of the three tenths for transit and half to possibly replace the pool, showing that it doesn't mean any tax increases but instead replaces the original with a new version.

Councilman Tierney stated that he was in agreement Councilman Smeback and not a supporter of mass transit, but then said that if it's taking low income people to jobs rather than petty larceny he was for it.

Councilman Smeback wondered if there were more people moving into the low income apartments in Selah because they can use the transit system for free.

City Supervisor Sweet responded that you don't know the reasons people are using the transit system. He said that the voters voted it in based on the marketing strategy that it wouldn't increase property taxes, and that everyone who buys something in Selah helps to pay for the transit system. He mentioned that at some point we need to be cognizant of our tax rate compared to other communities, and the impact it has on people buying in our community.

Mayor Jones said that once the figures go into the red it will be cut back, and that it will operate within the three tenths of a percent tax.

Councilman Tierney said that could happen this year due to rising fuel costs.

City Supervisor Sweet said that it will be scaled back immediately the minute it goes into the red. He commented that when they see expenditures exceeding revenue on the reports, that service will be cut. He said it has to match and cannot cost more than the revenue generated.

Councilman Schmid moved, and Councilman Gawlik seconded, to approve the Resolution Authorizing the Mayor to Sign an Amendment to the Interlocal Agreement for Transit Services on Sundays from April 12, 2011 through December 31, 2011 with City of Yakima / Yakima Transit, not to exceed the 13.5% match for the grant of \$2, 664.72. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.

N. Ordinances

1. Amendment to the Membership of the Lodging Tax Advisory Committee for the City, removing Lanne Stugelmayer and adding Shelly Monson

Parks, Recreation and Tourism Director Hagler addressed N-1. He said that Lanne Stugelmayer has resigned from North Park Lodge, and that Shelly Monson is the special events coordinator for North Park Lodge in addition to her work for Monson Fruit. He mentioned that Donna Garner recommended Ms. Monson be appointed to the committee.

Mayor Jones asked if she was wife to one of the Monson boys.

Parks, Recreation and Tourism Director Hagler responded in the affirmative.

Councilman Schmid moved, and Councilman Smeback seconded, to approve the Amendment to the Membership of the Lodging Tax Advisory Committee for the City, removing Lanne Stugelmayer and adding Shelly Monson. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.

O. Communications None

1. Oral

P. Reports/Announcements

1. Mayor

Mayor Jones informed the Council that there will be a new flagpole and monument stand to honor Coach Carlon at Carlon Park in April, and that everything was donated.

Councilman Schmid commented that Coach Carlon's nephew is the head of the Spokane ASA girls' fastpitch softball.

Mayor Jones said that the Council will be receiving the list of everyone's suggestions and that they will need to select the best seven ideas from the list to be discussed at a Council retreat. He went on to say that this will set goals for the next year or two.

Councilman Overby asked if he was still looking at a 6am meeting time.

Mayor Jones commented that he's up at 3am, so he'll meet whenever everyone else wants to.

City Supervisor Sweet asked if 9am was a good time to start the Retreat.

Councilman Tierney commented that he hasn't voted no in a long time, so he votes no.

Overlapping conversations here

The Council Members agreed to a 9am start time for the Retreat.

2. Council Members

Councilman Tierney asked City Attorney Noe if there was a decision in the dispute with the Yakima County Jail.

City Attorney Noe replied that it was taken to Kittitas County Court and the judge there ruled in favor of the County based on the statute. He went on to say that the order was given orally, although a written order has yet to be filed in the case.

Councilman Tierney inquired if the City had no other recourse.

City Attorney Noe replied that we could have appealed, but he didn't feel that it would have changed the verdict. He said that we could still appeal, as we have 30 days after the written is filed and it has not yet been filed.

Public Works Director Henne commented that the Supreme Court has overturned the Court of Appeals several times recently, and it might be worth filing an appeal on the decision.

Councilman Larson had no report.

Councilman Smeback had no report.

Councilman Gawlik asked if something could be done regarding the duration of the stoplights at Naches during the afternoon when traffic picks up, and also if there could be a left turn signal installed for the traffic light at First and Naches.

Mayor Jones responded that he has talked with DOT about the lights, and was informed that there isn't enough traffic flow turning east to warrant a turn signal.

Councilman Schmid commented that the majority of people know there isn't a turn signal and go alternate routes.

Public Works Director Henne said that it would mean shorter durations for the rest of the lanes, and that would mean more traffic backed up. He commented that the problem should be eliminated once SR 823 is completed.

Councilman Overby asked if it would be the City's responsibility at the point.

Public Works Director Henne responded that the Turnback agreement with the State would still make them responsible for the maintenance repair of the facilities for a year after completion.

Councilman Tierney inquired that if the City put in a left turn signal at First and Naches, if the DOT would then put one in at Naches and Wenas.

Public Works Director Henne replied that they will be putting in a left turn signal at Naches and Wenas, and that he will address timing issues at the next meeting, especially as pertains to the detouring of traffic.

Councilman Overby said that he is not comfortable with the amount of transit monies collected to sit in reserves when we are in the middle of a recession. He felt that the Council needs to address the issue and see if they can do something about it.

Mayor Jones commented that if they do reduce it they may have a problem getting it reinstated in the future. He went on to say that he has been discussing this with City Supervisor Sweet and it will be brought before the Council in the future.

Councilman Schmid mentioned the Chamber meeting with the DOT that he attended earlier in the day. He talked about their intent to have curbs, gutters and blacktop done from Naches to Fifth by the end of April, and that Fremont will be closed to traffic during the week until the lights are in place and they are ready to move to Naches.

Councilman Gawlik commented that the town is really growing; when he first moved here there were only two stop lights.

Public Works Director Henne commented that Railroad Avenue will be done next year.

Councilman Schmid remarked that the youth sports season is starting up for the year, and he encouraged the Council to attend some of the games.

Councilman Tierney asked Councilman Schmid about a softball tournaments meeting held where Selah did not get a tournament contract.

Councilman Schmid responded that they had proposed hosting an A class regional tournament, and they were not successful primarily due to the economy. He said that the decision was made to combine the location of both tournaments to the place already awarded the B tournament, and that they'd already done that with another tournament being held in Spokane. He said that Selah will be running the 14U A & B state tournaments this year, and that this year the Metro Association in both Seattle and Spokane will be allowed to compete for a National berth and our teams will be allowed the same in their locations. He mentioned that they expect 45 to 50 teams for the A & B state tournaments this year, and talked briefly about the benefits to Selah for food and lodging usage during the tournaments.

3. Boards

4. Departmental

Community Planner Davison had no report.

Public Works Director Henne said that he is meeting every other Thursday with the DOT for updates on the construction, and that Dot is also meeting with the Chamber at their monthly board meetings. He encouraged the Council Members to contact him with any items they felt needed to be brought to their attention, and mentioned that they are ahead of schedule on the project. He mentioned the challenges with the street lights to be put in.

Mayor Jones commended the Public Works crew for their diligence with keeping the parks maintained along with their other responsibilities.

Fire Chief Davis had no report.

City Supervisor Sweet had no report.

Parks, Recreation and Tourism Director Hagler had no report.

City Attorney Bob Noe had no report.

Q. Executive Session

No Executive Session was held.

R. Adjournment

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

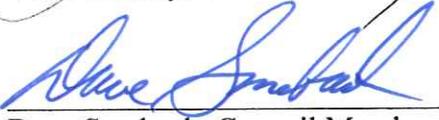
The meeting adjourned at 4:51pm.



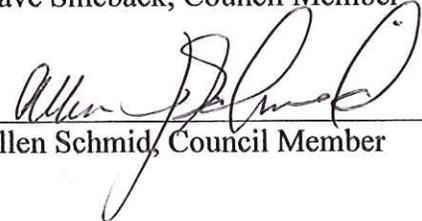
Keith Larson, Council Member



John Tierney, Council Member



Dave Smeback, Council Member

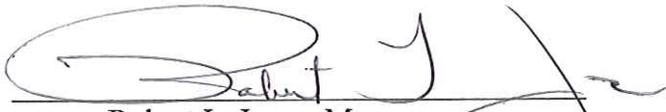


Allen Schmid, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer



Robert L. Jones, Mayor



Paul Overby, Council Member

EXCUSED
Kevin Jorgensen, Council Member



John Gawlik, Council Member