

City of Selah
Council Minutes
March 25, 2008

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, 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; Gary Hanna, Deputy 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 Derrey led the Pledge of Allegiance. Parks & Recreation Director Jeff Hagler led the group in prayer.

D. Agenda Changes

Mayor Jones noted the addition of Resolution M-3 to the Agenda.

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

Deputy Fire Chief Gary Hanna, 801 West Pear, presented Mayor Jones with a birthday cake and card. Council Members and the audience sang "Happy Birthday."

2. Written

a. USA Today Article Sent by John Cooper, President Y V V & C

H. Proclamations/Announcements

I. Consent Agenda

Councilman Paul Overby suggested adding items N-2, N-3, N-4 to the Consent Agenda. Councilwoman Nichols suggested adding M-4. Items N-3 and N-4 were withheld.

Councilwoman Nichols moved to add N-2 and N-3 to the Consent Agenda and approve the Consent Agenda as amended. Councilman Larson seconded.

Mayor Jones read the Consent Agenda as amended.

By voice vote, Consent Agenda was adopted unanimously.

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

- * 1. Approval of Minutes: Study Session & Council Meeting March 11, 2008
- * 2. Approval of Claims & Payroll: Payroll 8 Checks Nos. 63002 – 63079 for a total of \$119,702.17 and Claim Checks Nos. 51433 – 51523 for a total of \$197,444.99.
- * 3. N-2 Ordinance Amending 2008 Budget for Lince Field Lighting Improvements
- * 4. N-3 Ordinance Amending Ordinance No. 1442 Adopting the City of Selah Commute Trip Reduction (CTR) Plan and Implementing Measures as Required by RCW 70.94.527

J. Public Hearings

K. New Business

- 1. Bids for Upgrading the Current Computer Server

City Supervisor Frank Sweet addressed New Business Item K-1, noting he went out to state bid and to the City's local service provider. He said he hopes to stay with the current computer service provider. He noted the City will go out for an RFP for computer services in August. It will take time to convert our files over to the new server.

Councilman Overby asked if we would normally put this out to bid.

Mr. Sweet responded that we would since the amount is over \$1,500.

Councilman John Tierney asked what the warranty period is on these servers.

Mr. Sweet responded that the warranty period comes from manufacturer.

Councilwoman Summer Derrey asked if there is a link between the budget adjustment in N-4 and this service.

Mr. Sweet responded there is no connection.

Council Member Keith Larson moved approval. Councilwoman Summer Derrey seconded. Roll was called: Council Member Tierney – no; Council Member Schmidt – no; Council Member

Larson – yes; Council Member Harris – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey – no. Motion carried four in favor to three opposed.

L. Old Business

M. Resolutions

1. Resolution Awarding the Contract for 2008 South Park Drive and Carlon Park Paving Improvement Projects to Columbia Asphalt & Gravel and Authorizing the Mayor To Sign Contract Documents upon Preparation

Steve Sziebert, Huibregtse, Louman Associates, Inc., addressed Resolution M-1, noting bids for South Park Drive and Carlon Park Projects were opened March 20, 2008. He stated Columbia Asphalt & Gravel's bid was significantly lower than the other bidders.

Frank Sweet stated South Park Drive improvements are covered by SIED money, and he anticipates covering expenses for Carlon Park paving with money from the sale of North Park properties. He noted this paving helps with tournaments, and it also helps the City in our effort to have all unimproved parking lots in the City paved by making sure our own parking lots are paved.

Councilwoman Nichols asked Mr. Sweet if anyone has talked to the school district about sharing in this project.

Mr. Sweet responded yes, but Superintendent Parsons says they have no money available. Mr. Sweet suggested if anyone has an "in" with the School Board, that would be helpful.

Councilwoman Nichols asked about entrances and exits at Carlon.

Mr. Sziebert responded that the entrance to Carlon will be three lanes wide, and the entrance to the school parking lot will be "in" only. He explained that the reason is so right turn traffic will not be facing any people trying to come out of the school parking lot. He further explained that those coming out of school parking will come out onto the road at the south end of school parking so that they will be able to line up to exit. He stated the three-lane exit will provide a left turn only lane onto West Goodlander, a straight or left turn lane and a right turn only lane. He noted this will cut congestion considerably.

Councilwoman Nichols asked how many parking spaces there are in the area.

Mr. Sziebert said there are approximately 100 parking spaces at the softball field and approximately 100 more in the areas of the baseball field and tennis courts.

Mayor Jones asked if the plan will widen the road by the baseball field.

Mr. Sziebert said it will widen the road and provide a turnaround.

Councilman Larson asked if that will go all the way to the tennis courts.

Mr. Sziebert responded that it will go all the way to the Middle School fence.

Councilman Tierney moved approval of the Resolution Awarding the Contract for the 2008 South Park Drive and Carlon Park Paving Improvement Projects and Alternate 1 to Columbia Asphalt & Gravel and Authorizing the Mayor To Sign Contract Documents upon Preparation. Councilman Larson seconded.

Mr. Sziebert stated buses will use the school lot to turn around.

Councilman Harris asked if it is out of the ordinary to have such a great differences in bids.

Steve Sziebert noted Granite has a higher internal cost, so their bids are usually higher. He said the result is that they end up setting a higher benchmark for other companies. He noted when HLA bid this job, they saw an opportunity to save the City some money by putting the projects together and by designating Carlon Park as a Park & Ride, so it becomes sale tax exempt.

Councilwoman Nichols asked if the plan includes any landscaping plans or lighting.

Mr. Sziebert responded no.

She asked if lighting and landscape are requirements for parking lots.

Steve Sziebert responded the lot is surrounded by landscape.

Councilwoman Nichols said she would like to see a diagram showing traffic divisions.

Mr. Sziebert said he could make one available.

Roll was called: Council Member Tierney – yes; Council Member Schmidt – yes; Council Member Larson – yes; Council Member Harris – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey – yes. Motion carried unanimously.

The City Supervisor said they will juggle construction around NWAC tournament April 19.

2. Resolution Authorizing the Mayor to Sign the DWSRF Loan Agreement Amendment for Well No.8 Pump House & Transmission Main

Public Works Director Joe Henne addressed Resolution M-2 reminded the council of previous discussion about relocate proposed Well 8 to drill at Wixson Park, constructing a new pump house at Well 6, and adding a booster pump and transmission main to carry water from Well 6 up 15th street.

Mayor Jones noted the old pump house at Wixson Park getting pretty shaky.

Mr. Henne stated they were able to get this loan at ½ % interest because they matched 30%.

Councilman Larson moved approval of the Resolution Authorizing the Mayor to Sign the DWSRF Loan Agreement Amendment for Well No. 8 Pump House & Transmission Main. Councilwoman Nichols seconded. Roll was called: Council Member Tierney – yes; Council Member Schmidt – yes; Council Member Larson – yes; Council Member Harris – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey – yes. Motion carried unanimously.

3. Resolution Accepting the Selah Police Department Fiber Project as Complete

Police Lieutenant Stacy Dwarshuis noted this fiber project has been done for some time, and we just need to close it.

Councilman Overby moved approval of the Resolution Accepting the Selah Police Department Fiber Project as Complete. Councilman Larson seconded. Roll was called: Council Member Tierney – yes; Council Member Schmidt – yes; Council Member Larson – yes; Council Member Harris – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey – yes. Motion carried unanimously.

Mayor Jones noted the fiber optic line was cut last week.

N. Ordinances

1. Ordinance Relating To Health and Safety; Adding Chapter 6.85 to Selah Municipal Code To Prohibit the Retail Sale or Distribution of Novelty Lighters

Fire Marshal Gary Hanna noted that at the last Council meeting he provided information on novelty lighters. He noted the problem with these lighters is they look like toys and are attractive to children.

Councilman Larson moved approval of the Ordinance Relating To Health and Safety; Adding Chapter 6.85 to Selah Municipal Code To Prohibit the Retail Sale or Distribution of Novelty Lighters. Councilman Tierney seconded.

Councilwoman Nichols asked Deputy Chief Hanna how he would notify retailers of the ordinance.

Mr. Hanna stated he has already approached retailers twice, hand delivered letters to each retailer and invited them here to the Council Meeting. He noted this ordinance takes effect 30 days after passage, and he will hand deliver copies of the ordinance to retailers.

Roll was called: Council Member Tierney – yes; Council Member Schmidt – yes; Council Member Larson – yes; Council Member Harris – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey – yes. Motion carried unanimously.

- * 2. Ordinance Amending 2008 Budget for Lince Field Lighting Improvements
- * 3. Ordinance Amending Ordinance No. 1442 Adopting the City of Selah Commute Trip Reduction (CTR) Plan and Implementing Measures as Required by RCW 70.94.527
4. Ordinance Amending the 2007 Budget for Miscellaneous Adjustments

Clerk/Treasurer Novobielski addressed Item N-4, noting what the Council has before them are Final Adjustments, explaining where possible he transferred money between line items, expenditure accounts where some items were under-expended, they were used to satisfy within those departments other lines which weren't as fortunate. He noted what the Council has before them are those items which could not be cleared up with that method. He called attention to the AIS where it indicates those funds where the needed monies were not available from unanticipated revenues or carry-overs from the prior year which were in excess of what we had estimated. He said in the General Fund, for instance, there were sufficient revenue sources that came in stronger than what we had forecast that will satisfy this additional increase in expenditures that is presented within this document. He noted each Council

Member was provided a brief summary explaining the reasons for areas that needed adjustment. He said he would offer additional information for any questions Council Members might have.

Councilman Schmidt said he could understand the fiscal impact in a number of areas, but \$31,000 in water seemed out of synch.

Clerk/Treasurer Novobielski explained that other than the \$31,000, the adjusted expenditures are satisfied by additional revenues that came in over estimate as well as the beginning fund balance was stronger and then on page 5 it shows an operating transfer out of \$196,000. He noted that in the past Council has directed that anything in excess of 25% of the operating expenditures should be transferred over to reserves. He explained the \$196,000 was in excess of the 25%. He said the new ending fund balance, and the amount budgeted had to be adjusted, the water fund. He stated the budget has to be balanced, and in order to satisfy various expenditure accounts the way that the actuals came in he had to adjust them up, and since revenues and expenditures have to balance, he had to go through and adjust where possible the revenues and the other accounts, but, in fact, the water fund, you will see on the final financial report actually ends up with \$302,000. He noted it is challenging to explain exactly why that adjustment is necessary other than that it is necessary in order to balance the budget.

Councilman Schmidt said he didn't think we had a problem.

The Clerk/Treasurer assured the Councilman that it was okay.

Councilman Tierney asked the Clerk/Treasurer if the new ending fund balance for water is \$144,905 after the adjustment of \$31,167.

Clerk/Treasurer Novobielski responded affirmatively, noting had he gone through and adjusted all of the other revenue accounts, you know, his goal is to minimize the amount of adjustments to the budget. He said had he gone through and adjusted other revenue accounts, then that could have been different, but he was trying to minimize the amount of accounts that were affected by the adjustments, not that that necessarily satisfied the Councilman's question.

Councilwoman Nichols asked what the "spectator and community events" miscellaneous \$5,134 item in page 2 was for.

Mr. Novobielski responded that \$2,500 was for flags on 1st Street, \$600 for royalty fee for public performances of music in the park, \$1,400 was part of the cost for the University of Washington softball team demonstration in Carlon Park.

She asked if items under "Recreation Services" were offset by revenues.

The Clerk/Treasurer responded that, unfortunately, he was only able to increase three line items there about \$6,000, so actually the subsidy to recreation went up significantly. He said currently the Rec program is subsidized; the fees charged do not cover the cost, and there have been some additions in staff in the Parks office, not that that was the full \$21,000, and there's also a lot of part-time employees that are in there and last year we also had an issue, and he worked with Jeff throughout the year, but he guessed the level of activity was greater than what we had anticipated or budgeted for as far as salaries for those part-time people. He said, as a result, the final payroll for the Rec program was \$21,000 more than what we had built (into the budget).

Parks & Recreation Director Jeff Hagler stated that was on the individual program, but soccer is up and revenue income is up. He noted the office help was not covered.

Councilwoman Nichols asked about additions of park maintenance personnel.

Mr. Novobielski noted the regular pay under Parks came out fine, but the overtime killed us, that was significantly more than what we had estimated for the field preps, that was \$5,779. He said he didn't believe that mid-year we added any Park Maintenance personnel, noting his belief that they were all anticipated in the original budget for 2007. He said the good news is that the Council will not see this at year-end in 2008 because he has talked to staff and everybody understands that we are going to closely monitor our budget and we are not going to pay any bills without budget authority. He said he is diligently going to monitor the budget this year so that next spring the Council will not see this because the State Auditors have told him they will no longer allow this kind of an approach.

Councilman Overby moved approval of the Ordinance Amending the 2007 Budget for Miscellaneous Adjustments. Councilwoman Derrey seconded. Roll was called: Council Member Tierney – yes; Council Member Schmidt – yes; Council Member Larson – yes; Council Member Harris – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey – yes. Motion carried unanimously.

O. Communications

1. Oral

Wes Gano, addressed the Council, noting he has a business at 115 S. 2nd Street and is an attorney here in Selah. He said he has been practicing here in this community since October of 2004. He said his primary practice is in criminal defense. He noted some might be aware that he came in at the request of the City at a time when the former City Attorney Kevin Roy left to go to the bench. He said he was then in a private practice in Yakima and consented with the City and entered in an agreement to handle the responsibilities of prosecuting for the City for about six months until, he believes, Mr. Noe was hired. He said in 2004 when he opened a private practice (in Selah) he left his practice in Yakima which was primarily a patent, trademark, litigation practice and came out to Selah because there was a need; there were no local attorneys here. He stated at that time he approached the City and asked about the Public Defense contract and was told at that time that it would be good idea to have some consistency and to show longevity in his practice. He said it is his belief that he has done that. He said he doesn't know how much the Council knows about what they supply at this time for Public Defense work, but it is his understanding from seeing the contract, and he urged all Council Members to look at the contract at a later date, that the contract is currently about \$24,000 a year. He said a local Yakima attorney does the Public Defense work and has done the Public Defense work for a number of years. Mr. Gano stressed that he has taken the time and made the investment in Selah by coming out here. He noted clients for Public Defender are indigent individuals who qualify for legal services, who can't pay for those services, and then are expected go to Yakima to meet with an attorney or the attorney is expected to come here. Mr. Gano said he did not know how much of that takes place, but what he has found with the people in Selah is that they've been very supportive of his business in Selah. He said his doors are open; he does not only criminal defense work, he does common law work, and he now he has taken a partner, and they do wills. He said he was not here as an advertiser, but he wanted the Council to be aware that there's a contract out there that was signed in September 2007 that is a renewable, automatically renewable with an attorney in Yakima. He said he wants an opportunity to have that contract. He said that at a later date he would like to get something on the Council Agenda; there are clauses in that contract that allow it to be broken by either side, and he would like an opportunity to bring that back to Council to, if it's

appropriate, to have a vote as to whether or not that contract should be, notice should be terminated, and that contract should be opened up for bid or at least considered that you have somebody who's been here for almost five years who does that type of work who's willing to provide that work to local citizens.

Mayor Jones thanked Mr. Gano.

Councilwoman Nichols asked if we went out for contract on the Public Defender contract.

Mr. Sweet responded that the Council affirmed that contract at the time it was adopted.

Mayor Jones stated it might be appropriate to consider a local attorney.

Frank Sweet said he will do whatever Council wishes.

City Attorney Bob Noe said the contract does not prohibit putting it out to bid.

Allen Schmid, 1410 West Cherry, addressed the Council, noting he just returned from Seattle where he attended the Washington State Jefferson Awards - a nation-wide award presented to individuals all over the U.S. Jacquie Kennedy and Robert Taft, Jr. initiated this community service award off of the Nobel Peace Prize. He thanked Mayor Bob Jones for nominating him for the award. He noted his bio was included in the Seattle PI in March 18, 2008, and today's Seattle PI announced the five winners. He cited the types of things winners have accomplished, noting he felt humbled to be nominated.

Mayor Jones stated Mr. Schmid's 23 years of service are reflected in where this City is today.

Tom Durrett, 191 Saxton Lane, stated he recently joined Selah Skatepark Association to see what he could do to help Selah get a skatepark. He said he will come back at a later date.

Parks & Recreation Director Jeff Hagler stated the Skatepark Association will be with the council for a Study Session at 3:30 April 8, 2008.

P. Reports/Announcements

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

Public Works Director Joe Henne told Councilman John Tierney that Utility Foreman Ty Jones called the number the Councilman had given him regarding a half pipe, but had not made any contact. He reported they will have a pre-construction conference prior to construction of Carlon Park and will include representative from the schools and Parks and Rec.

Mr. Tierney asked if it would be better to give that phone number to Mr. Durrett.

Mayor Jones gave Mr. Durrett the number of the Public Works office number so he could get the number the person who has a half-pipe to give away.

Joe Henne reported that this week is the Washington Environmental Training center's 29th annual Washington Water/Wastewater Operations Workshop at the Appletree. He noted Jeff Louman did well at golf yesterday.

Councilwoman Nichols reported Lieutenant Stacy Dwarshuis having an open house at the Police Facility 1:00-5:00pm on Thursday, March 27.

Councilwoman Derrey wished the Mayor happy birthday.

Jeff Hagler reported the Selah Skatepark Association will be here for a 3:30 Study Session April 8. He reported he attended a Sports Commission meeting this week that went very well.

Stacy Dwarshuis thanked Joe Henne and the Public Works Department for hanging flags at the PD.

Councilman Paul Overby wished the Mayor happy birthday.

Councilman Brian Harris went on record that he has a relationship with a school board member and would like to see the school participate in the parking lot. He told Mr. Durrett that he thinks we should make it a real skatepark. He wished the Mayor happy birthday.

Councilman Larson wished the Mayor happy birthday and reported the Civic Center bathrooms are complete.

Councilman Larson noted they put monolium down in the dining room.

Councilman Tierney reported that Brian Vance, a Selah High School student, has recently been recognized for developing a meth curriculum. Mr. Tierney will contact the school.

Fire Chief Jerry Davis reported they did not get the FEMA grant for 2007. He stated they are rewriting and will resubmit that grant request. He further reported that DNR gave them a grant to double the number of shelters, "Shake & Bakes," so they will get twenty rather than ten shelters. He stated his department has tickets for the AJ Johnson dinner/fundraiser Sunday March 30, 2008.

Deputy Chief Hanna reported that while there have been no incidents with novelty lighters, this week a local resident set his car on fire with a Chinese lighter that malfunctioned.

Councilwoman Nichols reported a consultant is in town involved in hiring a new superintendent. She said the School District website gives an opportunity to input challenges the superintendent will face.

Mayor Jones announced a recess, noting they will reconvene in 5 minutes into Executive Session.

Q. Executive Session

1. Personnel 15 minutes
2. Real Estate 15 minutes

Mayor Jones reconvened the City Council meeting at 6:28pm.

R. Adjournment

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

The meeting adjourned at 6:29pm.

Robert L. Jones, Mayor

Paul Overby, Council Member

Summer Derrey, Council Member

Denise Nichols, Council Member

Brian Harris, Council Member

Herb Schmidt, Council Member

Keith Larson, Council Member

John Tierney, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer