

City of Selah  
Council Minutes

May 23, 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 4:02pm.

B. Roll Call

Members Present: Denise Nichols, Paul Overby, Allen Schmid, Herb Schmidt; Scott Smeback

Members Excused: Brian Harris, Keith Larson

Staff Present: Frank Sweet, City Supervisor; Darin Spang, City Attorney; Rick Gutierrez, Police Chief; Dennis Davison, Community Planner; Jeff Hagler, Parks & Rec Director; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilman Schmidt led the Pledge of Allegiance. Pastor Doug Perkins led the group in prayer.

D. Agenda Changes

E. Public Appearances

Officer Bret Reeves introduced the first six recruits in the Police Department Explorer Program: Mike Ennis, Zachary Friedrich, Steven Shook, Cecelia Morse, Brandon Greening and Darren Davis. He noted these young people “got their feet wet” during Community Days and were a tremendous help to the Police Department in both traffic control and security at Wixson Park.

Mayor Jones said he is also very proud of them and proud of the Police Department for starting this program.

He praised Police Clerk Jack O’Dell for his leadership in bringing the Explorer Program to fruition in Selah, calling him “the point of the spear.”

The Council and staff rose to honor the Explorers and shake their hands.

F. Getting To Know Our Businesses

G. Communications

1. Oral

Katie Fontaine, 510 Southern Avenue, addressed the Council saying present and future growth should be one of the most important issues for Council Members and City staff. "Growth and development should be an orderly, well thought-out process that improves the quality of life, enhances the surrounding area and meets the needs of the citizens." She enumerated the various concerns of a City, stressing the need for quality residential areas. She stated, "Decisions made by the Council Members should be determined according to the needs of the residents and not based upon 'How can we build a higher tax base?' or 'How to appease the ambitions of contractors who only seek to gain financial profit.'" She stated, "Council Members make decisions that impact the quality of life of present and future residents...Congested housing leads to conflict, traffic congestion, increased crime and...fire hazard." She concluded by saying the issue is about the future of Selah, not just the development on Southern Avenue.

2. Written

H. Proclamations/Announcements

1. Proclamation – National Public Works Week, May 21-27, 2006

Mayor Jones read the Proclamation declaring May 21 through 27 Public Works Week in the City of Selah.

Council Member Schmid praised the Public Works crew for their tireless work preparing Carlon Park for its opening and then sprucing up the City in advance of Community Days

Mayor Jones noted that Public Works is very important to him, perhaps the most important department in the City, because he can point a hose if he has a fire or use a gun to protect himself and his family from danger, but is helpless with a sewer problem.

I. Consent Agenda

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

- \* 1. Approval of Minutes: Council Meeting April 11, 2006
- \* 2. Approval of Claims & Payroll: Claims check nos. 47530 - 47632 for a total of \$67,862.09 and Payroll checks nos. 58595 – 58671 for a total of \$112,528.27.

Council Member Smeback moved to accept the Consent Agenda. Council Member Nichols seconded. Mayor Jones read the Consent Agenda. By voice vote, motion passed unanimously.

J. Public Hearings

K. New Business

1. Termination of Johnson-Snodgrass Proposed Annexation

Community Planner Dennis Davison addressed Item K-1 noting that while petitioners represented 88% of landmass but only 25% of land valuation, which is not enough to continue with the annexation. He requested a motion to terminate the annexation because it does not meet statutory requirements.

Shane Snodgrass spoke against terminating this annexation. He stated five residents of the area have not returned their petitions. He stated he has subsequently spoken with those residents and two are for and two against annexation, with the swing vote currently in Greece. He stated if we could resend out the petitions this might have enough support.

Dennis Davison stated the best way is to terminate the first one and have them resubmit, because the first ones will expire before another notice could go out. Resubmitting the annexation would allow them to set a new deadline.

Council Member Schmid stated the expanded annexation is sixteen parcels. Seven of the sixteen petitioned for annexation, five did not respond, so four opposed annexation. He noted a "no" response is a "no" vote.

Mayor Jones told Mr. Snodgrass it is his time to go around and see these people.

Councilman Schmid moved approval of the Termination of Johnson-Snodgrass Proposed Annexation for failure to meet 60%. Councilman Smeback seconded. Roll was called. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – yes; Council Member Overby – yes. Motion passed unanimously.

L. Old Business

M. Resolutions

1. ~~Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Bill Harris Used Cars for Advertising at Carlon Park~~ - tabled
2. ~~Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Yakima Sports Supply for Advertising at Carlon Park~~ - tabled
3. ~~Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Yakama Juice for Advertising at Carlon Park~~ - tabled

City Attorney Darin Spang explained that M-1 is a contract between the City of Selah and Bill Harris Used Cars for advertising \$25,000 for thirty years.

Councilwoman Nichols asked if the City of Selah has an ordinance regarding advertising in parks. She noted some people object to advertising in ballparks. She stated her concern about the 30-year length of the contract as well as the maintenance demands on the City. She stated this exclusive signage is too similar to "naming" a park. She said while it's neat that we have businesses willing to donate money to offset the cost of this project, she's concerned that the language is not the same from one contract to the next.

City Attorney Spang stated each of these contracts was done specifically to the business. He stated there was a longer contract we considered, but we chose to go with this shorter contract.

Councilman Herb Schmidt stated his concern on #4 failure to make payments "may result" should be "shall result."

Councilman Overby asked why two of the contracts are severable and one is not.

Mr. Spang stated none should be severable.

Council Member Nichols stated she received a citizen concern about what businesses participated, who it was open to and where the money is going.

The City Supervisor said it is going to offset the expenses of building the Park.

Councilman Schmid stated these contracts have gone to people who have stepped up with the down payment for the \$25,000. He stated the decision was made by Council Member Schmid, Mayor Jones and City Supervisor Sweet. It was repeated on YPAC broadcasts of Council Meetings, and anyone knowing the fields were being renovated knew this was an option. He stated no one tried to make it a secret that we were selling these fields: one is still for sale at McGonagle and one at Carlon. He said he almost has the impression that no one knew what was going on out there, when it was all above board.

Councilwoman Nichols stated it is wonderful that people stepped forward, but she cautioned the Council about naming a field for 30 years without an ordinance.

Mayor Jones stated Carlon Park was named by Ordinance. He stated the American Legion fields look tacky with advertising all around the field.

Councilman Overby asked what would happen if they are not in business 30 years from now.

City Supervisor Frank Sweet stated he doesn't believe the City would advertise a defunct business.

City Attorney Darin Spang stated he chose to go with this contract because the Company's felt comfortable with this contract.

The City Supervisor stated if the Council would be more comfortable for Mr. Spang to add language addressing what would happen should the business be defunct.

Councilman Schmidt moved to table Resolutions M-1, M-2 and M-3. Without objection Mayor Jones tabled these items until the next meeting, June 13, 2006.

Councilwoman Nichols asked if that information could include an estimate on the maintenance of the signs.

Councilman Smeback stated the signs are currently listed by number.

4. Resolution Authorizing the Mayor To Sign Change Order No. 3 for the Carlon Park Softball Project

City Supervisor Sweet presented the change order to make final improvements to Carlon Park

Councilman Schmid called the Council's attention to items 2 and 5 of the change order, noting these changes were required by L&I for Wood Field, but the electrical disturbance came from Carlon Park work. He stated \$9,175.97 is very small in a project of this size.

Councilman Smeback stated the electrical panel had to meet safety requirements.

Councilman Nichols moved approval of the Resolution Authorizing the Mayor To Sign Change Order No. 3 for the Carlon Park Softball Project. Councilman Schmid seconded. Roll was called. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – yes; Council Member Overby – yes. Motion passed unanimously.

- \* 5. Resolution Authorizing the Mayor to Sign An Agreement for Professional Municipal Consulting Engineering Services with Huibregtse Louman Associates, Inc. for Crusher Canyon Road Improvements
- \* 6. Resolution Amending Chapter 8 of the City of Selah Personnel Rules and Regulations by Addition of New Section 8.11 “Medical Exams” and Renumbering of Subsequent Sections
- 7. Resolution Adopting Policy for Enforcement of Laws Concerning Smoking in Public Places

City Attorney Darin Spang addressed Resolution M-7, noting the City does not have a policy for enforcement of no smoking ban mandated by Initiative. This is a policy of how we will respond when we are advised by the County Health Department that there has been a violation.

The City Supervisor said the intent is to work with the business toward compliance.

Councilman Smeback said when it's triggered by the County Health Department, it comes to local jurisdiction.

Councilman Schmidt moved approval of the Resolution Adopting Policy for Enforcement of Laws Concerning Smoking in Public Places. Councilman Nichols seconded. Roll was called. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – yes; Council Member Overby – yes. Motion passed unanimously.

Mayor Jones referred to Consent Agenda Resolution M-6, which amends the personnel Rules & Regs to include drug testing for all employees. He stated the City of Selah has been very progressive.

City Attorney Spang noted this also extends to testing for bird flu or other contagious disease.

- 8. Resolution Approving the Preliminary Plat of “Heritage Hills Phase III”

Community Planner Dennis Davison addressed Item M-8, the Resolution approving preliminary plat of Heritage Hills Phase III. He answered questions about where the conditions could be found in the Council packet.

Councilman Schmid moved approval of the Resolution Approving the Preliminary Plat of “Heritage Hills Phase III” with the fifteen conditions recommended by the Hearing Examiner as follow:

1. All design and/or improvement notations indicated on the preliminary plat are included herein as conditions of preliminary plat approval. (i.e., dedicated right-of-way width, easement width and locations, lot size and configuration, etc.).
2. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of construction of all public improvements required by Selah Code, Chapter 10.50, must be submitted to the Public Works Director for approval.
3. All final plans and specifications for improvements must be prepared by a Licensed Professional Engineer, reviewed and approved by the Public Works Director prior to construction. Specifications for improvements shown on the preliminary plat are minimum specification that may be superseded by conditions contained herein or by specific conditions as approved by the Public Works Director. Upon completion of construction and prior to final plat approval final "as-built" construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the approved construction plans must be submitted to the Public Works Director for approval.
4. Street improvements must be constructed to City standards as approved by the Public Works Director including a five (5) foot sidewalk on one street side and street illumination. Utility improvements, when appropriate, shall be extended beyond street pavement edge to facilitate future extension.
5. Street illumination must be installed by the developer at locations and to the specifications of the Public Works Director (typically at 300 foot intervals or as otherwise determined by the Director of Public Works who has the flexibility to locate street lights in a manner which will maximize illumination, i.e., intersections).
6. All lots must be served with a full range of public services/private utilities. All public services/private utilities must be underground and installed prior to the surfacing of streets. All public/private utilities proposed for placement beneath streets, curbs or sidewalks shall be extended beyond these features to avoid these features being disrupted during further extensions. There shall be a moratorium on street cuts for a period of five (5) years from the date of plat recording.
7. Fire hydrants must be provided and installed by the developer at locations approved by the City of Selah Fire Chief and to the specifications of Selah Municipal Code, Chapter 11.30.
8. Final lot dimensions and lot area must substantially conform to the preliminary plat.
9. Storm water drainage facilities to accommodate runoff generated within the plat must comply with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Director.
10. The proposed eight (8) inch line along the north line of Lots 4 through 10 to collect sewage flows from those lots shall be located and centered within a sixteen (16) foot wide utility easement.
11. A dust control plan must be submitted to and approved by the Yakima Regional Clean Air Authority prior to commencement of earthmoving or construction. The Public Works Department is to be advised of the name and phone number of the contact person to report alleged dust control violations.
12. Prior to final plat recording, all required plat improvements (i.e., utilities, streets, drainage facilities, etc.) must be installed and accepted by the City or a surety bond pledged to the City to ensure installation of the plat improvements within two years of final plat recording.
13. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.
14. The following note must be placed on the final plat map: "The owners shown hereon, their grantees and assignees in interest, hereby covenant and agree to retain all surface water generated within the plat on-site."
15. Prior to final plat recording a surety bond, or such other secure financial method acceptable to the City, in the amount of 15% of the cost of the public improvements as determined by the Public Works Director (i.e., streets, sidewalks, street lights, drainage facilities, sewage collection and water distribution facilities, etc.) must be remitted to the City and will be held for a period of two years from the date of final plat recording to guarantee against defects in materials and workmanship.

Councilman Schmidt seconded. Roll was called. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – yes; Council Member Overby – yes. Motion passed unanimously.

9. Resolution Awarding the Contract for Crusher Canyon Road Improvement Project to Superior Paving Company and Authorizing the Mayor To Sign Contract Documents upon Preparation

City Supervisor Sweet introduced Jeff Louman to present Resolution M-9, the bid recommendation for the Crusher Canyon Project.

Jeff Louman stated the Crusher Canyon Road Improvement Project will run from the westerly City limits to 4<sup>th</sup>. He stated we received a very favorable bid. He referred to budget sheet prepared by the Selah City Council Minutes 5/23/06

City Supervisor showing the project cost and funding comparison, noting both of the bids received were very favorable. He stated City funds purchased Hovde property with a general fund commitment \$175,000. He stated this allows the City to recoup some of that cost. He recommended awarding the bid to Superior in the amount of \$1,798,223.89. He stated construction will begin very soon, because the asphalt must be down before school starts in the fall. He stated almost 50,000 cubic yards of material must be moved out of the hill, predicting it will look very different than it does now.

Mayor Jones stated this is a project we've work on for twelve years.

The City Supervisor suggested including a requirement of TIB approval as part of the motion.

Councilman Schmid moved approval of the Resolution Awarding the Contract for Crusher Canyon Road Improvement Project to Superior Paving Company and Authorizing the Mayor To Sign Contract Documents upon Preparation, subject to TIB approval. Councilman Smeback seconded. Roll was called. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – yes; Council Member Overby – yes. Motion passed unanimously.

#### N. Ordinances

1. Ordinance Amending the 2006 Budget To Replace the Sanitary Sewer Line on Crusher Canyon Road

City Supervisor Sweet encouraged approval of the sewer budget adjustment that will allow construction of sewer improvements in Crusher Canyon.

Councilman Schmidt moved approval of the Ordinance Amending the 2006 Budget To Replace the Sanitary Sewer Line on Crusher Canyon Road. Councilwoman Nichols seconded. Roll was called. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – yes; Council Member Overby – yes. Motion passed unanimously.

Ted Pooler answered Councilman Schmid's question by stating that sewer line goes out to the end of the roadway project and it includes replacement of the existing line from 10<sup>th</sup> to the old High School (Lince).

2. Ordinance for 2006 Miscellaneous Budget Adjustments

Clerk/Treasurer Dale Novobielski addressed Ordinance N-2 for miscellaneous Budget Adjustments.

Councilman Schmid moved approval of the Ordinance 2006 Miscellaneous Budget Adjustments. Councilman Smeback seconded. Roll was called. Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Nichols – yes; Council Member Overby – yes. Motion passed unanimously.

#### O. Communications

1. Oral

#### P. Reports/Announcements

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

- a. Materials presented to South Selah Association in Response to Request

City Supervisor Frank Sweet (as Joe Henne) stated Community Days went well.

Fire Chief Jerry Davis noted Fire Administrative Assistant/Fire Fighter Jason Horton's daughter was chosen Little Miss Selah Princess.

Mayor Jones stated next year he'd like to put a cover over the stage in Wixson Park.

Community Planner Dennis Davison called Council Members' attention to materials prepared for South Selah Association. He stated when we went through the process of amending the Comprehensive Plan, all of those documents have been on the website showing the proposed zoning maps, etc. and they received fewer than 400 hits. He stated we will continue to put those items on the web, and perhaps we can put a reminder on the utility bills. He reported the Valhalla Subdivision has gone before the Hearing Examiner and the Council will receive his recommendation at the next Council Meeting. He said he's in the process of working on 3-4 annexations. He concluded his report by informing the Council that Public Works Director Joe Henne's brother Dennis was struck by a car as they were traveling on their motorcycles. He advised Council Members to look for project lists in their mailboxes.

Clerk/Treasurer Dale Novobielski reported on lighting changes taking place at City Hall. He said Contractor working with Pacific Power putting in solid-state ballast. He stated out-of-pocket costs will be \$2,200 and after two years, this will save the City about \$1,000 per year. He noted he has approached the library to see if they want to buy in.

Parks & Recreation Director Jeff Hagler reported Carlon Park is working out beautifully. He passed around a tournament schedule for the largest tournament we've ever hosted, noting at times there will be six fields going at once.

Police Chief Rick Gutierrez reported three officers graduating tonight from reserve academy at Howard Johnsons.

City Attorney Darin Spang reported he did not see a spike in criminal activity over Community Days.

Council Member Denise Nichols praised the dedication of Carlon as very well done. She suggested pursuing a Study Session with School District.

The City Supervisor stated next meeting's study session will be with Yakima Transit.

Councilman Schmidt reported he and Councilman Schmid attended an agri-tourism luncheon at the Convention Center today. He praised the speaker who discussed diversification of activities as a way to save the small farm. He stated he is appreciative of the way Community Days was handled, noting the weekend provided lots of competition for involvement.

Councilman Scott Smeback reported he is the tournament director for Memorial Day ten-year-old tournament. He praised the Carlon Park fields for their water resilience. He said he has had the privilege of coaching kids who live in multi-family housing. He noted the Council and staff not only have to provide residential areas for those who can afford single-family homes, we also have to think providing for housing that people can afford. He stated we try hard to take people's feeling into consideration, but time doesn't make Council Members' skin think enough to resist the darts that are sometimes thrown.

Mayor Jones stated he's going to encourage staff members to share projects they are working on, and everybody has to contribute. He stated nobody has worked any harder for this City than he, always looking for a better, less expensive way to make this City shine. He stated Selah was first to fly American flags, have black and while police cars and red fire trucks.

Tony Sandoval from the 4<sup>th</sup> of July Committee stated he wants Selah to consider giving money toward the 4th of July celebration at the fairgrounds.

Lisa Smith suggested Selah make a \$2,000 donation.

The City Supervisor stated Selah has not done anything toward that celebration since busses do not take Selah residents to the fair grounds.

Mayor Jones suggested we have it on the agenda for next time.

Q. Executive Session

R. Adjournment

Council Member Schmid moved and Council Member Schmidt seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 5:31pm.

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Robert L. Jones, Mayor

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Paul Overby, Council Member

(Excused)  
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Keith Larson, Council Member

\_\_\_\_\_  
Denise Nichols, Council Member

(Excused)  
\_\_\_\_\_  
Brian Harris, Council Member

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Herb Schmidt, Council Member

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Allen Schmid, Council Member

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Scott Smeback, Council Member

ATTEST:

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Dale E. Novobielski, Clerk/Treasurer