

**City of Selah  
Council Minutes  
of  
October 14, 2003**

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

**A. Call to Order** Mayor Bob Jones called the meeting to order at 4:02 pm.

**B. Roll Call**

Members Present: Jerry Kobes, Keith Larson, Pete McNew, Allen Schmid, Scott Smeback

Members Excused: Herb Schmidt

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Gary Hanna, Deputy Fire Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; John Gawlik, Code Enforcement/Building Inspection Officer; Dale Novobielski, Clerk/Treasurer

**C. Pledge of Allegiance**

Councilman Larson led the Pledge of Allegiance. Pastor Rex Van Beek from United Methodist Church led the group in prayer.

**D. Agenda Changes**

**E. Public Appearances**

**F. Getting To Know Our Businesses**

**G. Communications**

1. Oral

2. Written

a. Letter from Monica Weyhe, Director of Yakima Valley Regional Library

City Supervisor Frank Sweet noted a meeting time will be set as soon as Councilman Schmidt returns from his trip.

Mayor Jones announced the Council sub-committee membership of Councilman Schmidt, Councilman Kobes and Councilman Schmid, would be the same as before.

Councilman Schmid asked whether it is appropriate for staff to be present at that meeting, noting originally the meeting was for Board/Council members only. It was the consensus of the group that City Supervisor Sweet and Director Weyhe could attend the initial meeting and then the sub-committees

could proceed from there. City Supervisor Sweet will set the meeting up for Tuesday, October 21, 2003 at 2:00pm.

- b. Selah Wastewater Treatment Plant Lab Assessment Report – Perry Brake, Department of Ecology

City Supervisor Sweet praised the WWTP team and the excellent job they are doing as evidenced by the evaluation the plant received from Perry Brake at the Department of Ecology. He noted Selah’s lab is set up on a rotating staff basis.

Mayor Jones praised the WWTP crew for their cleanliness and hard work. Councilman Kobes echoed that praise.

## **H. Proclamations/Announcements**

## **I. Consent Agenda**

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

- \* 1. Approval of Minutes: September 28, 2003
- \* 2. Approval of Claims & Payroll – Claims check nos. 41732 – 41839 for a total of \$149,554.72, and Payroll checks nos. 52050 – 52130 for a total of \$123,131.76.

Mayor Jones read the Consent Agenda.

Councilman McNew moved, and Councilman Kobes seconded to approve the Consent Agenda. By voice vote, the motion passed unanimously.

## **J. Public Hearings**

## **K. New Business**

- 1. Contract Award – Water Main Extensions, Crestview to McGonagle Road to Evans & Sons

Public Works Director Joe Henne reminded the Council that the original plan was to extend the water main from Crestview Drive up to Weems to the right-of-way from the Weems intersection with Herlou north to McGonagle. He stated they then met with the Selah Covenant Church who had not put together enough information for a site plan. It was decided that the line would only be completed to a point about half way between the south property line and McGonagle Road (the north property line). He noted the Church could later take it from there through an easement along their driveway out to McGonagle. He stated that would allow them to align fire hydrants. Schedule A was to go the half-way and Schedule B would complete that section. He state negotiations are still under way with Mr. Fickes and the City does not know what the Church would like to do yet. He noted the low bidder for Schedule A was Evans & Son for \$92,885.70. He explained that the Church is unsure of where they want Part B to go. He asked the Council to award the contract for Schedule A to Evans & Son.

Councilman Schmid expressed his concern about running the line only part way, rather than going all the way to the far edge of the property line. He also questioned why they are not going down the

easement. Mr. Henne responded that the Church had obtained a conditional use permit from the County which required them to dedicate right-of-way from the south to the north property line.

Councilman Schmid asked if we have that right-of-way dedication on record.

Mr. Henne stated the City has a copy of their final, agreed-upon rules.

Councilman Schmid asked why, if we have that, we are not requiring the water line to be run down that easement of where the scheduled road is going to be to keep utilities where we usually put them.

Public Works Director Henne responded that we didn't know where they were going to put the utilities or need to have them or have their building located, and all along they have been pushing the City so they would have water for construction when they start in April. He noted the City has been moving along faster than normally.

Councilman Schmid assured the Public Works Director that he is not criticizing the job his Department is doing; he just wondered why the City is deviating from previous practice of putting water lines under the roadway.

Mr. Henne said the other issue is that the Church needs to move dirt and he is not sure where they are going to move it. He stated they might have to dig a deeper trench or run the risk of having to relocate the water line later. He noted his Department is attempting to make things easy for the Church.

Mr. Schmid said he hopes Selah Covenant Church recognizes how hard Public Works has worked on this project.

Mr. Henne suggested the Council could award the bid for both parts now.

Councilman Schmid stated he would prefer to see it that way and to complete the full project at a cost of \$116,670.68. He asked what requirements would be placed on the Church. Mr. Henne stated that was included in the Outside Utility Agreement so he would reduce the \$68,000 by the amount of Schedule B that was bid (\$23,000).

Councilman Schmid moved and Councilman McNew seconded to award the contract for Water Main Extensions, Crestview Drive to McGonagle Road Schedule A & B to Evans & Sons. Roll was taken. Councilman Smeback – yes, Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

## **L. Old Business**

1. Reappointment of Scott Smeback to a Two-Year Term on the Selah Parks & Recreation Service Area Board

Councilman McNew moved and Councilman Schmid seconded to reappoint Councilman Scott Smeback to a Two-Year Term on the Selah Parks & Recreation Service Area Board. By voice vote, the motion passed unanimously.

## **M. Resolutions**

1. Resolution Authorizing the Mayor To Sign a Slope Easement for Forty Feet of Property Contiguous to McGonagle Field Owned by Selah Covenant Church and Granted to the City of Selah for Use by Selah National Little League

City Attorney Bob Noe stated a slope was necessary to provide a smooth transition between the McGonagle Park Ball Field and the Selah Covenant Church. He noted this easement that allows the City to maintain the trees and grass.

Councilman Schmid asked if the City would retain the right to put in a road. Mr. Noe explained that in that case the need for the easement would no longer exist. The Councilman asked again if the Council approves this, will the City maintain the potential for a road to go through there in the future.

Public Works Director Joe Henne stated he was concerned because roads, parking and underground utilities are specifically excluded in this agreement, but the City Attorney assured him that since the County has required the Church to dedicate right-of-way as part of the Outside Utility Agreement. Responding to a question from Councilman Schmid, Mr. Henne explained that the County has required the right-of-way; they just haven't dedicated it yet and likely won't until they obtain their occupancy permit.

It was the consensus of the group that things are moving so fast with this project that not all important and necessary decisions have been made.

Mayor Jones asked how important this easement is to the project. He suggested tabling the item until the right-of-way dedication is in place.

Councilman Schmid stated it is crucial the City have secure right-of-way for a road in this area.

Councilman Larson moved and Councilman McNew seconded to table the Resolution Authorizing the Mayor To Sign a Slope Easement for Forty Feet of Property Contiguous to McGonagle Field Owned by Selah Covenant Church and Granted to the City of Selah for Use by Selah National Little League until such time as the right-of-way issue is solved. Roll was taken. Councilman Smeback – yes, Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

Councilman Kobes requested City Attorney Bob Noe to delete the sentence relating to utilities. Mr. Noe stated he will make it clear to Selah Covenant Church's attorney Mark Fickes that that part needs to come out.

2. Resolution Authorizing the Mayor To Sign a Communications Services Agreement with the Yakima County Sheriff's Offices for 2004

Chief Gutierrez stated that this item is necessary to continue communications services beyond the end of the current year.

Councilman Kobes moved and Councilman Schmid seconded to approve the Resolution Authorizing the Mayor To Sign a Communications Services agreement with the Yakima County Sheriff's Offices for 2004. Roll was taken. Councilman Smeback – yes, Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

3. Resolution Authorizing the Mayor To Sign a Change Order for Wastewater Treatment Plant Disinfection Improvements

Principle Engineer Ted Pooler explained that the adjustments in Change Order No. 2 were the result of issues found during construction that could not be seen because they were underneath the water or below the ground. He detailed the necessary adjustments included in Change Order No. 2:

1. Repair the damaged conduit between the UV Disinfection panel and flowmeter.
2. Replace the code non-compliant electrical junction box east of Clarifier No-2.
3. Add transition grating at the removed steel walkway bridge to prevent a trip hazard.
4. Modify the crane mounting brackets to accommodate the UV channel modifications.
5. Remove construction debris from a previous construction project.
6. Modify existing weirs to allow installation of the slide gates at the aeration basin weir boxes.
7. Install steel plates to seal abandoned hydrostatic relief valves in the old contact chamber.
8. Weld end plates on the effluent weir channels.
9. Compensate for lost time at the magnetic flow meter due to water backing up through the existing slide gates from the Selah Ditch.

He noted that even with the two change orders, the project came in under budget.

Mayor Jones noted he was taken back by the down time since this contractor held up the process initially. He stated his concern over the amount of time the project took. Mr. Pooler noted only the sub-contractor was paid for down time, not the contractor.

Councilman Kobes moved and Councilman Larson seconded to approve the Resolution Authorizing the Mayor To Sign a Change Order for Wastewater Treatment Plant Disinfection Improvements. Roll was taken. Councilman Smeback – yes, Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

4. Resolution Accepting the Wastewater Treatment Plant Disinfection Improvements as Complete and Authorizing the Close-out of the Project and Release of Retainage

Mr. Pooler explained that passage of this resolution starts the clock for release of retainage and for the one-year warranty period.

Councilman Kobes asked if the Department of Ecology evaluates or approves this project as a part of the completion. Mr. Pooler responded they do not. He stated he and Lead Operator Todd LaRoche have been making modifications to the O&M Manual for approval by the DOE; and project engineers have met and submitted project certification to the DOE as being complete showing specifications and approved engineering methods.

Councilman Kobes asked if Mr. Pooler is satisfied that the work was done so that the system will operate properly. Mr. Pooler responded positively.

Mr. Pooler stated there are three lamp modules in the UV channel at present. Lead Operator Todd LaRoche stated only one light module at a time is necessary to meet disinfection standards. Mr. Pooler stated that allows one light to be out for service and another as backup. He noted the lamp itself is not cleaned; it is the protective sleeve.

Both Mr. LaRoche and Mr. Pooler stated they are satisfied that the project is complete.

Councilman Kobes moved and Councilman Larson seconded to approve the Resolution Accepting the Wastewater Treatment Plant Disinfection Improvements as Complete and Authorizing the Closeout of the Project and Release of Retainage. Roll was taken. Councilman Smeback – yes, Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

**N. Ordinances**

**O. Communications**

1. Oral

**P. Reports/Announcements**

1. Mayor
2. Council Members
3. Boards
4. Departmental
  - a. Fire Department 3<sup>rd</sup> Quarter Report
  - b. Selah Municipal Court Report – September 2003
  - c. Planning Commission Minutes of September 2, 2003 - Approved

Clerk/Treasurer Dale Novobielski reported he is busy with the 2004 Budget, which will be in the Council Members' hands in about three to four weeks.

Councilman Smeback praised Todd LaRoche for a great report. He noted it almost sounds like Mr. Brake is related to Todd.

Councilman Kobes asked Ted Pooler and Todd LaRoche why the ditch is plugged up. Mr. Pooler explained that vegetation is growing in the ditch right now and they are in the process of obtaining a permit from the Department of Ecology to cut that out. Todd LaRoche reported there are lots of fish in treatment process. Mr. Pooler reported fish are actually swimming up the discharge pipe into the discharge box. He noted they will have to see what Ecology will permit by way of clean-up.

Councilman McNew reported that yesterday there was a fire in their duplex on Jamie Drive. He noted the most important people in his life were a part of that. He commended Gary Hanna, Jim Martin and entire fire crew, noting it is unbelievable to be on the other end. He noted his daughter Bridget 8 years old was very frightened and was reassured by firefighters.

City Attorney Bob Noe stated he will send a confidential memo to Council Members rather than making an oral report.

Mayor Jones read a letter from Randy Gabbard resigning his position on the Library Board. The Mayor stated he is thinking of asking a Council Member to sit on the Library Board, and there is an opening for one additional member. He noted work is proceeding on the Library entrance. The City of Yakima will use the large City Hall pine as a Christmas tree, and then crews will proceed with the work on the roof and front of City Hall.

**Q. Executive Session**

(No Executive Session Scheduled)

**R. Adjournment**

Council Member Schmid moved and Council Member Kobes seconded that the meeting be adjourned. With voice vote, the motion passed unanimously. The meeting adjourned at 5:07pm.

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Robert L. Jones, Mayor

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Gerald Kobes Council Member

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Keith Larson, Council Member

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Peter McNew, Council Member

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Allen Schmid, Council Member

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Herb Schmidt, Council Member

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Scott Smeback, Council Member

ATTEST:

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Dale E. Novobielski, Clerk/Treasurer