

City of Selah
Council Minutes
September 8, 2009

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, Denise Nichols, Kevin Jorgensen, Paul Overby, Dave Smeback, John Tierney, Summer Derrey

Members Excused:

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Jerry Davis, Fire Chief; Stacy Dwarshuis, Police Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jeff Hagler, Parks & Recreation Director; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilman Tierney led the Pledge of Allegiance. Ted Pooler led the group in prayer.

D. Agenda Changes

City Supervisor Frank Sweet announced that the Executive Session on litigation will be changed from one hour to thirty minutes.

E. Public Appearances

Mayor Jones introduced Selah School Superintendent Dr. Steve Chestnut.

Dr. Chestnut said it is a pleasure to be here. He said he was superintendent for twelve years in Moses Lake and has served his entire professional career in Central Washington, starting in Cashmere, then in Grandview for nine years. He said he likes the region. He noted he's impressed with the Selah School District; it has great people, great staff, great administrators, great teachers. He said they are off to a great start with enrollments up, and they won the first football game. He said the first volleyball match is tonight. He said the whole community is back in session, and he is looking forward to having a close relationship with City.

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

H. Proclamations/Announcements

1. Proclamation American Legion Month September 2009

The Mayor greeted members of Post 88 of the American Legion. Don Christiansen, President, introduced himself, Mike Trout (who has been a member of this post for 65 years), Monk Sonker and Chaplain Jerry Masterson. He summarized the Legion Post 88's activities including Boys and Girls State, and an oratorical contest.

Mayor Jones read the Proclamation designating September 2009 American Legion Month. He thanked the gentlemen for their contributions and for attending today's Council Meeting.

I. Consent Agenda

Councilman Overby suggested adding Resolution M-7 to the Consent Agenda. Councilwoman Nichols asked to remove Resolution M-2. **Councilman Overby moved those amendments. Councilman Larson seconded. By voice vote, support was unanimous.**

Mayor Jones read the Consent Agenda as amended.

Councilman Nichols moved approval of the Consent Agenda. Councilman Larson seconded. By voice vote, the Consent Agenda was unanimously adopted.

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

- * 1. Approval of Minutes: Study Sessions and Council Minutes July 28, 2009
- * 2. Approval of Claims & Payroll:
 - Claims Checks Nos. 54782 – 54864 for a total of \$ 337,681.98
 - Payroll Checks Nos. 66706 – 66817 for a total of \$ 185,910.51
- * 3. M – 1 Resolution Authorizing the Mayor To Sign a Police Communications Services Contract between the City of Selah and the City of Yakima for Dispatch Services for the Years 2010 through 2012
- * 4. M – 3 Resolution Authorizing the Mayor To Sign a Police Communications Equipment Repair and Maintenance Services Agreement between the City of Selah and the City of Yakima
- * 5. M – 5 Resolution To Surplus a Sharp AR-M280N Copier
- * 6. M – 7 Resolution Authorizing the Mayor To Sign the Agreement between the City of Selah and Eco-Northwest for Stormwater Education for the 2009-2010 School Year Funded by a DOE Grant

J. Public Hearings

K. New Business

L. Old Business

M. Resolutions

- * 1. Resolution Authorizing the Mayor To Sign a Police Communications Services Contract between the City of Selah and the City of Yakima for Dispatch Services for the Years 2010 through 2012
- 2. Resolution Authorizing the Mayor To Sign a Police Information Services Agreement between the City of Selah and the City of Yakima for IT Services

Councilwoman Nichols said her question about M - 2 was relative to the dollar amount.

Police Chief Dwarshuis said the dollar amounts for M-1, M-2 and M-3 are on the back of the packet for M-1.

Councilwoman Nichols said she thought the Council had determined that contracts should be written so as not to exceed a certain amount.

City Supervisor Frank Sweet said they did discuss that, but it is very difficult to set a "not to exceed amount" for a service contract. Councilman Larson asked if the amounts were based on previous years.

Chief Dwarshuis responded affirmatively, noting dispatching went down this year. He said the desktop and IT mobile are current rates. He noted with dispatch down and modest increases in the others, we are saving \$1,200 this year over last year.

Councilman Smeback moved approval of the Resolution Authorizing the Mayor To Sign a Police Resolution Authorizing the Mayor To Sign a Police Information Services Agreement between the City of Selah and the City of Yakima for IT Services. Councilman Tierney seconded. Roll was called: Council Member Smeback – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

- * 3. Resolution Authorizing the Mayor To Sign a Police Communications Equipment Repair and Maintenance Services Agreement between the City of Selah and the City of Yakima
- 3. Resolution Approving a One-Year Extension of “Heritage Hills Phase III” Final Plat Recording (912.63.05-02)

Community Planner Dennis Davison addressed Resolution M-4 noting that the owners of the Heritage Hills project are requesting a one-year extension for final plat recording. He noted the deadline for recording the plat expires later this month, and they would like an additional years to finish it up, get their bonds posted, do the City's walk-through, check all the utilities and all the improvements. He said they don't think they can get all of that done before the expiration date.

Councilman Jorgensen moved approval of the Resolution Approving a One-Year Extension of “Heritage Hills Phase III” Final Plat Recording (912.63.05-02). Councilman Larson seconded. Roll was called: Council Member Smeback – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey– yes; Council Member

Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

- * 5. Resolution To Surplus a Sharp AR-M280N Copier
- 6. Resolution Accepting the Rutger “Notice of Intent to Annex Petition” with Four Conditions

Community Planner Dennis Davison addressed Resolution M-6 noting the owners of 7+ acres on Speyers Road have submitted a petition for annexation. He noted the packet also contains a letter from Terry Alapeteri of HLA regarding the inadequacy of Speyers Road. He noted Public Works Director Joe Henne is present to provide historical background. The Planning Commission recommended approval with 4 recommendations which should be adopted at the same time, should the Council choose to approve the Resolution. He further suggested the Council should include reference to Mr. Alapeteri's concerns.

Public Works Director Joe Henne said he asked Mr. Alapeteri to take a look at that because there was a serious accident at that location several years ago. He said there was a suit because that road had a shoulder that was 2-1, which exceeded a 3-1 or 4-1 drive slope. He said that property has a bank that's 2-1 or steeper bank. He urged the Council to be cautious about annexing a road which could be potentially require significant repairs or present the City with liability if there were an accident. He said if the property owners would agree to dedicate additional right-of-way so that it could be brought to a 3-1 or 4-1 or to install a guardrail, that would improve the potential for annexation.

Councilwoman Nichols asked if the County mitigated it in any way.

Mr. Henne said they did, but they lost. They did not put up any barrier. He added that they have hundreds of miles of that kind of road all over the County.

Mayor Jones noted there have been two fatalities there.

Fire Chief Jerry Davis said we have a history there.

Councilman Larson asked the Public Works Director if he has any estimate of what it might cost.

Mr Henne said he thought Mr. Alapeteri was going to add a condition to address the road, but he did not.

Councilman Tierney asked if the Public Works Director is suggesting that modification to a 4-1 slope should be added as a condition.

Mr. Henne said that or a guardrail. He said when you go out there, just past 14th Street there is a private road called Hovde Lane and along in there it just drops right off.

Mayor Jones noted a guard rail is cheaper.

Mr. Henne said we just need to mitigate the exposure one way or the other.

Councilwoman Nichols asked if that mitigation would need to fall on the developer or if there is a way the City could help to fund that.

Mr. Henne said he guessed the City could provide materials toward that effort, but they might need 300 feet. He noted it is a shame this is coming up now, because had it come up earlier, it might have been included in the Speyers Road Project.

Councilman Overby asked if this is all one property. Upon hearing the affirmative response, he asked how much guardrail it would take to correct the problem.

Mr. Henne responded it might take 300 feet.

Fire Chief Jerry Davis stated fill would be okay at the east end, but expressed concern about motorcycle safety west of there.

Mayor Jones said it is going to take a lot of property to get a 4-1, but a guardrail would not lose as much property.

Mr. Henne noted that when they go to develop the property, they may be required to do this in order to get access.

Councilman Larson moved to add a 5th condition that the slope on the shoulder is not to exceed 4 - 1 or a guardrail is required. Councilman Smeback seconded.

Councilwoman Nichols asked if it is fair to the property-owner to absorb the entire cost of improvement to the road.

Mayor Jones said developers are accustomed to this kind of expense and commonly pass the expense right on to their buyers.

Councilman Larson said he thinks that should be part of the negotiation for annexation of that property.

The Public Works Director said when you annex both sides of a road, it becomes City property.

Councilman Overby asked what legal bearing we have to enforce that after the annexation.

City Attorney Bob Noe said he doesn't know. He said he would need to research that question.

Councilwoman Nichols asked if it is imperative that this issue be dealt with today.

Mr. Davison responded no.

There was discussion about the possibility of discussing this issue with the property-owner and or coming up with alternative recommendations if the decision were delayed.

Mr. Henne said the intent of the property-owner is to develop.

Councilman Smeback said time will allow the property owner to see what is going to be required.

Councilman Jorgensen noted annexation will impact lot size.

The Community Planner said annexation has significant impact; property in the County without access to water and sewer would require acre lots, whereas in the City with access to utilities that would drop down to 8,000 square feet.

City Supervisor Frank Sweet clarified that if the Council approves this today, it just starts the process toward annexation. All of these concerns would need to be addressed before it came back to the Council for final approval.

Mr. Davison outlined the various steps, noting it would be two to three months down the road before Council would make a final decision.

Councilwoman Nichols said she would rather table it, giving the engineers and the City Attorney time to look at it and talk to the property owner.

Councilman Larson withdrew his motion.

Councilman Smeback withdrew his second.

Councilwoman Nichols moved to table the Resolution Accepting the Rutger "Notice of Intent to Annex Petition" with Four Conditions until the next Council Meeting. Councilman Tierney seconded. By voice vote, support was unanimous.

- * 7. Resolution Authorizing the Mayor To Sign the Agreement between the City of Selah and Eco-Northwest for Stormwater Education for the 2009-2010 School Year Funded by a DOE Grant

N. Ordinances

- 1. Ordinance Amending Selah Municipal Code Title 8 Traffic, Section 8.70.070 To Reduce Speed Limits During Construction

Public Works Director Joe Henne addressed ordinance N-1, noting they've been working on roads in Selah for a long time, but now that they are working on Speyers. He stated they posted it with a black on orange construction signs which are advisory, not regulatory. He expressed frustration because people aren't slowing down and are creating a lot of dust. He said he wants to post black on white regulatory signs which are enforceable.

Councilman Tierney suggested first paragraph be amended to say "Whereas, the City Council wishes to temporarily reduce the speed limit in construction zones to fifteen miles per hour" making that more general.

Councilman Jorgensen moved approval of the Ordinance Amending Selah Municipal Code Title 8 Traffic, Section 8.70.070 To Reduce Speed Limits During Construction to include the language change recommended by Councilman Tierney. Councilman Tierney seconded. Roll was called: Council Member Smeback – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey – yes;. Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

- 2. Ordinance Amending SMC Title 11.19.030(b) Flood Damage Prevention Ordinance

Community Planner Dennis Davison addressed Ordinance N-2, noting that for many years the City of Selah has participated in the national flood insurance program which allows people in the Selah area to purchase flood insurance. He said the federal government has recently adopted new flood maps which include a new titles amendment referencing new flood maps dated November 18, 2009. He said this Ordinance would update city documents to reflect those dates, allowing residents to continue to purchase flood insurance.

Councilman Overby moved approval of the Ordinance Amending SMC Title 11.19.030(b) Flood Damage Prevention Ordinance. Councilwoman Nichols seconded. Roll was called: Council Member Smeback – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Derrey– yes;. Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

O. Communications

1. Oral

P. Reports/Announcements

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

- a. Planning Commission Minutes August 4, 2009 – Approved

Clerk/Treasurer Dale Novobielski reported additional information on the impact of Initiative 1033. He provided each Council Member with a handout showing what the impact of this would have had it been passed. He noted Selah's revenues in 2008 would have exceeded the amount allowable under I-1300 by \$336,315, so in 2009 revenues would have been reduced by that amount of money given the interpretation of the imposed requirements.

Councilwoman Nichols asked what this all means.

The Clerk/Treasurer said it means that the tax levy in 2009 would have been \$336,000 less, unless we went to the voters and asked them to allow for that increased amount.

The City Supervisor said it means the General Fund would have been reduced by \$336,315.

Councilman Tierney asked the Clerk/Treasurer if the Initiative takes into account all of the City's revenues such as rentals etc. or if it just takes into consideration revenues based on taxes.

The Clerk/Treasurer said it takes into consideration all of the revenue including rent except grant money, state shared taxes, interest earnings, interdepartmental charges, or transfers from reserves.

Councilman Tierney said our limits for increasing are currently allowed 1% without going to the voters.

Mr. Novobielski explained that you take your previous year and based on population change and inflation and then at the end of 2010 we will actually measure what our actual revenues were and compare it to what was allowed per the 2009 actual and the two factors, population and inflation.

Councilman Larson asked if the Clerk/Treasurer used pass-through fees like plan review fees as part of his calculation.

The Clerk/Treasurer responded affirmatively.

Mayor Jones said we've run a very frugal government, and that's how we built those reserves. We've done a good job of that. Now, for being frugal, we're going to be penalized. He said Mr. Eyman can write these initiatives, but he should try to live within them.

The Clerk/Treasurer said we've been provided with limited information about how this would work.

Community Planner Dennis Davison reported that the appeal of 503 Southern has been heard by the Hearing Examiner, and his decision should be returned this week. He said the Planning Commission adopted Findings of Fact for the Matson Urban Growth Area amendment. He said that will come to the Council the first Council Meeting in October. He reported the first three days of business at the Selah Taco Bell were a record-breaker, selling more products than any other Taco Bell has in that period of time.

Councilman Smeback asked the Planner when they review the Urban Growth boundary.

The Planner said that is done annually. He said if there are proposed amendments or changes the Planning Commission receives those and commences in October and brings to Council in January. He said it is required by state law that you only do that once a year.

Public Works Director Joe Henne reported that tomorrow there will be a pre-con at 10:00am for Well 8. He stated Speyers Road is in full construction mode, and Thursday and Friday they will start working on the new storm sewer.

Fire Chief Jerry Davis expressed compliments to his staff for covering during his absence. He announced that Ron Cline and his wife have a new baby girl. He said he's anticipating 1200-1250 calls this year, noting that is again up from the previous year.

Chief Dwarshuis thanked the Mayor, Councilmen Smeback, Overby and Jorgensen for attending the press conference on Crime Mapping earlier today. He said the new speed display signs are in, and they will hopefully get those up right away. He said he will spend Thursday in Seattle for Justin Swale's graduation from the Police Academy.

Councilman Overby said he played around with the crime-mapping website after the press conference and found it very interesting. He noted Safari Night will be held this Saturday evening.

Councilman Tierney said he drove by the skateboard park and noted the work they've done there looks great. He urged young people in the audience to find a candidate and get involved in the political season.

Mayor Jones said he was pleased with today's press conference. He noted we've worked for years to get City and County law enforcement on the same data collection/retrieval system, and now, finally, everyone will be on Spillman. At 4:54 he announced a recess prior to the Executive Session and invited students in the audience to come forward to have their papers signed.

Councilman Larson recused himself from the Executive Session

Q. Executive Session

At 5:10pm the Council moved into Executive Session.

1. Executive Session on potential litigation – one-half hour.

R. Adjournment

At 5:44pm the Council moved back into General Session.

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

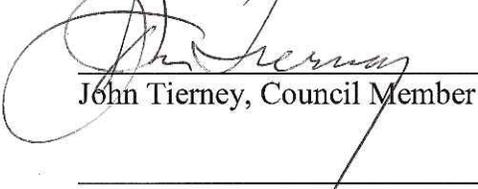
The meeting adjourned at 5:45pm.



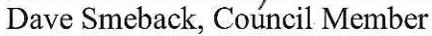
Paul Overby, Council Member



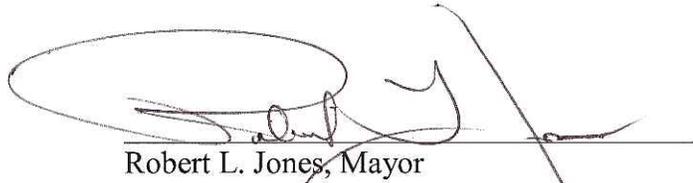
Denise Nichols, Council Member



John Tierney, Council Member



Dave Smeback, Council Member



Robert L. Jones, Mayor



Summer Derrey, Council Member



Keith Larson, Council Member



Kevin Jorgensen, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer