City of Selah
Council Minutes
October 9, 2018

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

A. Call to Order — Mayor Raymond called the meeting to order at 4:00pm.

B. Roll Call

Members Present: Jeremie Dufault; Jacquie Matson; Rachael Glaspie; John Tierney; Roger Bell; Diane Underwood; Russell Carlson

Members Absent:

Staff Present: Donald Wayman, City Administrator; Robert Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Eric Steen, Deputy Police Chief; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Ty Jones, Public Works Utility Supervisor; Jeff Peters, Community Development Supervisor; Andrew Potter, Human Resources Manager; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse **None**

D. Pledge of Allegiance

Council Member Bell led the Pledge of Allegiance.

E. Invocation

Pastor Rebekah Strobel gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/ Presentations **None**

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

I. Communications

1. Oral

Mayor Raymond opened the meeting. Seeing no one rise to speak, she then closed the meeting.

2. Written

a. Monthly Permit & Code Enforcement Reports for September 2018

J. Proclamations/Announcements **None**

K. Consent Agenda

Council Member Tierney moved, and Council Member Bell seconded, to add N – 2 to the Consent Agenda. By voice vote, approval was unanimous.

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: September 25, 2018 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 82102 – 82146 for a total of $285,901.29
Claim Checks Nos. 71949 – 72025 for a total of $234,954.96

* 3. Resolution N – 1: Resolution Authorizing the Mayor to Sign an Updated Section 125 Cafeteria Plan

Council Member Glaspie moved, and Council Member Bell seconded, approval of the Consent Agenda as read. By voice vote, approval was unanimous.

L. Public Hearings

1. Public Hearing on Revenue Sources for the 2019 Budget

Clerk/Treasurer Novobielski addressed L – 1. He said that they are required to hold a public hearing as part of the 2019 budget process, to discuss the major revenue sources for next year, and that he would like to start with sales tax. He referred Council to the handouts provided, noting an increase of one hundred six thousand for 2019 due to construction, and listing where the monies are allocated.

Council Member Glaspie questioned relying on pool operations money as a source of revenue without a levy in place.

Clerk/Treasurer Novobielski responded that this was just construction costs for building the new facility. He moved onto property taxes, reviewing the information provided by the Yakima County Assessor's office, which would give an estimated one million, six hundred seventy thousand dollars to the General Fund, Fire Control and City Street funds with the rate per thousand dropping from Two dollars and fifty-one cents to two dollars and thirty cents, in part due to information provided by the Selah School District showing that their tax assessment would be dropping by thirty-three cents in 2019. He noted that, if

everyone's assessed property values increased at the same level, which would seem to be indicated by the information sent out to property owners recently, the amount paid should remain the same.

Council Member Bell inquired about the recent ruling on e-buying and commercial purchases, wondering if the collected sales tax would impact the City as far as more taxes gained.

Clerk/Treasurer Novobielski responded that issue was whether all internet purchases are taxable, adding that if business has a location within the state they are required to charge sales tax.

Council Member Bell remarked that the Supreme Court just passed that requirement, and his question was whether they have heard if it would impact they City, as it would apply to anything over two hundred thousand dollars per sale.

Clerk/Treasurer Novobielski replied that all they can do is increase the taxable sales, which would be to their benefit if the State and Supreme Courts require that they pay sales tax.

Council Member Bell asked if he had heard about trickle back to cities.

Clerk/Treasurer Novobielski answered in the negative.

Council Member Dufault noted an increase in revenue in the Public Safety, Transit, and Criminal Justice assessments, and wondered if that was something they built into each of those levies or something else.

Clerk/Treasurer Novobielski responded that his analysis put it at least on pace with last year, adding that it was all mathematical and a lot of things are stable although he wouldn't say there can't be surprises.

Council Member Dufault commented that the sales tax was informational, and that the property tax was the only place Council might have some discretion.

Clerk/Treasurer Novobielski agreed, saying that Council doesn't have a lot of influence on sales tax revenues short of raising the sales tax.

Council Member Carlson asked about the significantly higher Civic Center sales tax figure for 2017 compared to 2016 and 2018, wondering why it was so much higher.

Clerk/Treasurer Novobielski replied that 2017 was when the City took over operation of the Civic Center, and that prior to Cassie Deatherage ran it for the Civic Center Board.

Council Member Carlson thought the City took it over prior to that.

Clerk/Treasurer Novobielski agreed that it was before but added that there must have been expenditures that caused the cash flow, which they were able to lower due to approximately seventy thousand dollars generated from the cable franchise fee as a new revenue source for the Civic Center.

Council Member Underwood inquired if Assistant Selah School District Superintendent Scacco had talked to him about the schools wanting to do a special levy due to shortfalls for the district.

Clerk/Treasurer Novobielski responded in the negative, saying that he thought that part of the new funding program from the State was that schools give up the responsibility to pass local levies, although he admitted that he didn't know anything about school funding other than what was represented with regard to property taxes as shown in the handout.

Council Member Tierney observed that the State gets their money from taxing them.

Clerk/Treasurer Novobielski responded that, since they are compelled to pay property taxes, he doesn't have a strong understanding of every entity who gets every dollar. He addressed the last section of revenue sources, referring Council to the handout for water, sewer, and garbage. He remarked that, based upon the budget currently being considered, water rates are requesting a three percent increase, sewer rates five percent, and garbage four percent. He went on to say that Public Works Director Henne worked with HLA regarding water and sewer rate, while he and City Administrator Wayman % increase, and garbage looking at 4%, Joe Henne works with HLA and they are ones came up with the rate for garbage based on a letter from BDI saying that they are allowed an increase based on CPI and that the County would be increasing tonnage fees by five point nine percent at the beginning of the year.

Council Member Dufault said he felt that BDI was trying to pass on the cost of the increase and wondered if that was that factored into the contract with them.

Clerk/Treasurer Novobielski responded that he could get more information on that, adding that they aren't getting a CPI increase on tonnage.

Council Member Dufault commented that it still didn't seem right and wondered if they could push back on that.

Clerk/Treasurer Novobielski replied that he could ask for more detailed information, although he would be surprised if the contract didn't allow them to recoup increased fees at the County dump.

Council Member Dufault requested that he get back to them regarding the contract.

Clerk/Treasurer Novobielski reiterated that he would will request more information.

Council Member Dufault asked how long the contract is good for.

Clerk/Treasurer Novobielski responded that he didn't recall when it was last negotiated, noting that Superior was the hauler when he came to work at the City years ago.

Council Member Tierney expressed curiosity about the rate adjustments and why two are three and five percent rather than four percent across the board.

Clerk/Treasurer Novobielski commented that they started out at ten percent.

Council Member Tierney remarked that two years ago they were talking a consistent four percent all the way across, and that it ends up higher with a variable rather than a consistent four percent increase.

Clerk/Treasurer Novobielski responded that the only valid way to do it was to look at each one separately.

Council Member Tierney stated that they were only talking about water and sewer.

Clerk/Treasurer Novobielski referred Council to an eighteen-year chart provided to them, reading off some of the numbers over the years.

Council Member Tierney reiterated that they were told it would be a consistent increase.

Clerk/Treasurer Novobielski responded that Public Works Director Henne could explain that to them.

City Administrator Wayman explained that the sewer fund got behind in covering salaries and that they moved a lot of salaries from sewer to the General Fund to avoid a ten percent increase, managing to get it down to a five percent increase instead.

Public Works Utility Supervisor Jones said that Public Works Director Henne had a meeting with HLA on Thursday, and that in that plan there are needed improvements. He added that the plan is designed to fund roughly six million in improvements over the next six years.

Council Member Tierney commented that he thought it was to cover salaries.

Public Works Utility Supervisor Jones responded that it would cover salaries, maintenance, and everything else.

City Administrator Wayman noted that salaries are the biggest issue and requested that he explain the one percent less for water rates.

Public Works Utility Supervisor Jones commented that Pacific Power increases costs every year.

City Administrator Wayman pointed out that they were asking less.

Clerk/Treasurer Novobielski said that he didn't have the full budget with him, but he thought that the sewer revenues have to be a huge amount more than water revenues for the year, depending on operating experiences, and that he thought it too simplistic to say they should give the same increase every year to both utilities.

Council Member Tierney stated that's what they were told.

Clerk/Treasurer Novobielski reviewed the sample residential and commercial examples provided, assuming the 2019 budget included the proposed rate increases.

Council Member Tierney asked how many outside utility agreements they had.

Clerk/Treasurer Novobielski guessed they had about ten, no more than a dozen.

Mayor Raymond opened the public hearing. Seeing no one rise to speak, she then closed the public hearing.

M. General Business

1. New Business **None**

2. Old Business **None**

N. Resolutions

* 1. Resolution Authorizing the Mayor to Sign an Updated Section 125 Cafeteria Plan

* 2. Resolution Authorizing the Mayor to Sign the Garcia Outside Utility Agreement (OUA-18-002)

O. Ordinances

1. Ordinance amending Selah Municipal Code Section 6.02.020, "RCW Sections to be Adopted by Reference:, to include the adoption of RCW 9.68A.090(1), Communication with Minor for Immoral Purposes – Penalties, by reference

City Attorney Noe addressed O – 1. He said that, back in 1996, the State Legislature required cities to assume jurisdiction over misdemeanor and gross misdemeanor crimes, and each city was required to adopt by reference the RCWs that related to these crimes. He went on to say that, for whatever reason, RCW 9.68A.090(1) dealing with communication with a minor for immoral purposes wasn't incorporated by reference into the City's code, and this Ordinance addresses that oversight.

Council Member Dufault asked how they detected the omission.

City Attorney Noe responded that they had an individual cited in Selah Municipal Court and realized that wasn't in their repertoire, adding that the County is handling that case but if the City is going to enforce it in the future that statute requires they adopt it by reference.

Council Member Tierney moved, and Council Member Carlson seconded, to approve the Ordinance amending Selah Municipal Code Section 6.02.020, "RCW Sections to be Adopted by Reference:, to include the adoption of RCW 9.68A.090(1), Communication with Minor for Immoral Purposes – Penalties, by reference. Roll was called: Council Member Dufault – yes; Council Member Matson – yes; Council Member Glaspie – yes; Council Member Tierney – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Deputy Police Chief Steen had no report.

Council Member Carlson asked about volunteer training.

Deputy Police Chief Steen answered that his department is currently hosting the Yakima County reserve academy class, and in previous years they have partnered with other agencies around valley. He went on to say that Officer Singletary was part of that last year, and that this year he is running the academy with some of their folks helping out.

Council Member Carlson wondered if they would get more reserve officers from the academy and about the success of the program.

Deputy Police Chief Steen responded that the success of the program is big, especially in their community, and that it's wonderful to get those who want to help to contribute help with parades and things. He added that it was wonderful from the standpoint of having someone who was willing to come out and be a second body next to an officer, and that it was a very valid and much needed program, especially for the police department.

Fire Chief Hanna said that they finished hydrant flowing throughout the City last week, with no major issues. He remarked that they had orientation later that evening for twelve potential members for the volunteer department, which was about half of what they had last year at this time.

Public Works Utility Supervisor Jones said that they had the last softball tournament for the year last weekend and have started to decommission Carlon Park and close the parks in preparation for winter, along with other winter prep such as adding plows and blades to vehicles and ordering salt and brine.

City Administrator Wayman wanted to recognize the Public Works department for the work they did the past two weeks to clean out the vegetation behind the Comet building where the clarification ditch is located, adding that he believes that it solved a lot of petty theft problems among other things.

Council Member Tierney asked if they recovered any stolen property.

Public Works Utility Supervisor Jones replied that most of what he saw was in pretty poor condition.

Council Member Carlson wondered what they were doing to prevent a bad batch of brine like they received the previous year.

Public Works Utility Supervisor Jones responded that they would weigh a sample when it arrives to determine if it's a bad batch or not.

Council Member Carlson asked if there was a way to get reimbursed for last year.

Public Works Utility Supervisor Jones responded that he thought it was just product settling out, and that they would be starting out with fresh product this season.

Council Member Underwood wondered what they would do with the salt and brine if the winter is warmer than normal as is currently being predicted.

Public Works Utility Supervisor Jones answered that salt is ordered in bulk and kept in dry storage, and that the liquid brine is used for dust control in the summertime, so it doesn't go to waste.

Community Development Supervisor Peters thanked Council for putting the Outside Utility Agreement (OUA) on consent, saying that he would like to bring an Ordinance to the next Council Meeting to revise the procedure for OUAs to authorize the Public Works Director to sign them. He spoke briefly about the history behind the current procedure, done when there was some indecision as to where the urban growth boundaries were, and that revising the Ordinance now, with more than ten years of agreement regarding the urban growth boundaries, would avoid a lengthy process for a property owner with a failing system to obtain an OUA when the City is obligated to provide support to them. He went on to say that the Planning Commission would be conducting a public hearing on the Public Works standards document, which would be brought to Council sometime in November or early December and reminded Council that they have a scheduled study session in the sub area plan after the next meeting.

City Administrator Wayman requested that Council ignore the email he had sent regarding an AIS on the sub area plan for the next meeting, which couldn't be approved due to holding the study session after the regular Council Meeting, so the matter would be on the agenda the first meeting in November.

Community Development Supervisor Peters said that he and both consultants would be there for the study session to lay out the process going forward, as they still have to complete several important requirements. He commented that they are working with the pool contractor to get permits issued for the construction phase, and with the Selah School District contractor who would be submitting land use applications sometime next week. He finished by saying that he continues to work on the City's sign Ordinance, gathering public input to allow businesses to have signage, not clutter.

Council Member Tierney wondered if there would be language relating to covering the windows of mini marts and so forth, as it makes them a shop and rob place to go.

Community Development Supervisor Peters responded that he knows what he is talking about, that at this point in time the Ordinance treats them as wall signage, and his initial position is to set a middle of the road standard. He noted that a lot of cities around the State pick a fifty percent standard for covering windows with advertising, and that Council would be the final deciding vote. He is simply trying to get a consistent standard to start with.

City Administrator Wayman remarked that he and the Police Department have talked with all the mini mart owners, and there seems to be a resistance from that, so whatever the City does would be met with resistance by them.

Council Member Underwood commented that she had recently been in the Chevron mini mart and found their counters filled with junk and things sticking in the windows.

Council Member Tierney asked why they no longer have the dollar figures for the monthly permit report and why the bottom of the report says Yakima.

Community Development Supervisor Peters replied that the City of Yakima administer their logins to the computer systems, which pulls from their network with software on City of Yakima computers. He went on to say that he would talk with Planning Department Administrative Assistant / Permit Tech Tucker about getting that fixed and have a report at the next meeting.

City Attorney Noe had no report.

2. Council Members

Council Member Dufault aid that he hasn't heard back from the sign company yet, but now that Council Member Carlson is back they would reconvene the sign committee. He asked the School District representatives on Council if they knew anything about the sign in front of the Civic Center.

Council Member Underwood responded that they didn't mention anything about that.

Council Member Matson gave an update on the Volunteer Park committee, saying that they set goals for placing trees, shelters, and benches, and hope to have everything set and planted by March to have it open for a spring opening. She added that one committee member met with a vendor of hers and they are going to give a heavy donation of trees.

Council Member Glaspie stated that she wasn't able to make the last SPRSA meeting, but she would be at the blood donation on Thursday. She encouraged other to sign up and donate as well.

Council Member Tierney said that they had an LTAC meeting a week ago, a review of last year and the anticipation of the budget for the coming year.

Council Member Bell reminded everyone that the Selah Chamber would be hosting their annual cowgirl up event a week from Friday at the Civic Center to raise money for breast cancer research. He spoke briefly about the last SPRSA meeting, saying that they did run into a minor issue with too much moisture in the soil, but he believes that it has been resolved. He went on to say that the contractor and architect both complimented the City on assisting them in moving forward and getting all the permits in place. He commended the Planning and Public Works Departments for helping to facilitate beyond what was absolutely necessary, working with all utilities to get more aesthetically pleasing fixtures in place and set up, and also the Selah School board in helping them to process getting a ground transformer to reduce costs for both the school and SPRSA construction projects.

Council Member Underwood stated that there would be a blood drive is on Thursday, and that on this particular drive one gets entered into a drawing for money. She spoke briefly about the Selah School Board meeting which had a large turnout due to contract negotiations, saying that they discussed having a family engagement team to get information out to families and be more in touch with parents, the continuation of the pride patrol with older students mentoring younger students, and how to address a three point one-million-dollar loss in funds. She noted that Debbie Maguire has been going to counties

around the state and teaching them about the pride patrol, and that she has been recognized very highly for her program.

Council Member Carlson expressed appreciation for everyone excusing him from the last meeting. He wondered what happened with the LTAC funds for two events that came in under budget this year.

Council Member Tierney answered that they are still in the pot, noting that the reduction in the Hot Rods event was due to receiving free shirts from the vendor.

Council Member Carlson asked if the money stays in the fund.

Council Member Tierney responded that the unspent dollars are still there.

Council Member Carlson inquired if it simply keeps going year to year until it's allocated.

Council Member Tierney replied that they have a budget amount they are projecting for next year, and that he hasn't seen yet if there would be rollover.

3. City Administrator

City Administrator Wayman had no report.

4. Boards

a. Lodging Tax Advisory Committee Minutes for July 23, 2018

5. Mayor

Mayor Raymond noted that October 13 is the US Navy's birthday. She said that she just filled out the papers adding City Hall to the Halloween Trick or Treat and asked Council Member Bell if he was available or if another Council Member would like to hand out candy this year.

Council Member Bell agreed to hand out candy again.

Mayor Raymond reminded Council to let either Executive Assistant Lake or City Administrator Wayman know it they were unable to attend a meeting as the holidays are approaching.

Council took a five-minute recess.

P. Executive Session

1. 15 Minute Session - Potential Litigation RCW 42.30.110 (1) (i)

Council went into Executive Session at 5:12m. At 5:20pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

Q. Adjournment

Council Member Bell moved, and Council Member Matson seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 5:20pm.

Sherry Raymond, Mayor

John Tierney, Council Member

Roger Bell, Council Member

Russell Carlson, Council Member

Diane Underwood, Council Member

Jeremie Dufault, Council Member

Rachael Glaspie, Council Member

Jacquie Matson, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer