

**TOPPENISH CITY COUNCIL**  
**Regular Meeting Minutes**  
**April 12, 2010**

Mayor Blaine Thorington called the meeting to order at 7:00 p.m.

**ROLL CALL**

Present: Mayor Blaine Thorington and Councilmembers Loren Belton, Clara Jiménez, Christina Kwan, Mark Oaks, and Randy Taylor.  
Absent: Derald Ortloff.  
Staff Present: City Manager William C. Murphy (CM Murphy), City Attorney Gary M. Cuillier, City Interpreter Jorge Villaseñor, MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

Councilmember Jiménez moved, seconded by Councilmember Kwan to excuse Councilmember Derald Ortloff from the April 12, 2010 Council meeting. Motion carried unanimously.

**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

Councilmember Oaks abstained from voting on Consent Agenda Item “b” since he was not at the meeting.

Councilmember Jiménez moved, seconded by Councilmember Oaks to approve Consent Agenda items a through e:

- a. Approve Minutes of the March 22, 2010 Regular Meeting.
- b. Approve Minutes of the April 5, 2010 Study Session.
- c. Approve Pay Estimate #3 to RP & E Construction, Inc. for the Linden Street Lift Station Replacement Project in the total amount of \$11,969.02 and retainage held in the amount of \$581.59.
- d. Approve Payroll Checks Number 29401 through 29486 in the total amount of \$179,577.03 dated March 31, 2010.
- e. Approve Claims Checks Number 70147 through 70254 in the total amount of \$171,399.50 dated April 12, 2010 and void Check Number 70146.

Motion carried unanimously.

**OLD BUSINESS**

**Ordinance Amending Ordinance 2010-4 and TMC 15.10.066 to Correct Date by which Owners of Existing Non-conforming Signs that were Erected Without the Proper Permit Must Apply for the Permit, by Changing August 1, 2020 to August 1, 2010.**

City Manager Murphy (CM Murphy) reported that the purpose of proposed Ordinance 2010-5 was to correct the date from August 1, 2020 to August 1, 2010, when owners of existing non-

conforming signs that were erected without the proper permit must apply for a permit. CM Murphy thanked Richard Burger for bringing the matter to his attention.

**Consider Approving Memorandum of Agreement among the Indian Health Service (IHS), the City of Toppenish and the Yakama Nation for Contribution by the IHS of \$499,800 towards Wastewater Treatment Facility Construction Costs plus \$10,000 for Costs of Administration.**

CM Murphy reported that the \$499,800 contribution from Indian Health Services will be applied towards wastewater facility construction costs.

Councilmember Belton moved, seconded by Councilmember Jiménez to approve the Memorandum of Agreement among the Indian Health Service (IHS), the City of Toppenish and the Yakama Nation for contribution by the IHS of \$499,800 towards wastewater treatment facility construction costs plus \$10,000 for costs of administration. Motion carried unanimously.

**NEW BUSINESS**

**Consider Renewal of Benton Rural Electric Association Franchise.**

CM Murphy reported that the proposed Ordinance is to renew the franchise agreement with Benton Rural and Electric Association an additional 25 years.

**Set Agenda for May 3, 2010 Study Session.**

CM Murphy reported that he had a new topic for discussion regarding the Toppenish Museum. It was the consensus that the May 3, 2010 Study Session agenda will include topics concerning the Toppenish Museum and the council/staff planning session.

**ORDINANCES AND RESOLUTIONS**

**Ordinance 2010-5:**

**Ordinance Amending Ordinance 2010-4 And TMC 15.10.066 to Correct Date by which Owners of Existing Non-Conforming Signs that were Erected without the Proper Permit Must Apply for the Permit, by Amending Toppenish Municipal Code Section 15.10.066 to Change August 1, 2020 to August 1, 2010.**

Councilman Belton moved, seconded by Councilman Taylor to adopt Ordinance 2010-5 Ordinance Amending Ordinance 2010-4 And TMC 15.10.066 to Correct Date By Which Owners of Existing Non-Conforming Signs That Were Erected without the Proper Permit Must Apply for the Permit, By Amending Toppenish Municipal Code Section 15.10.066 to Change August 1, 2020 to August 1, 2010. Motion carried unanimously.

**Ordinance 2010-6:**

**An Ordinance of the City Council of the City Of Toppenish, Washington, Granting to Benton Rural Electric Association, and to its Successors and Assigns, a Non-Exclusive Right and Franchise for a Period of Twenty-Five (25) Years to Construct, Maintain and Operate in and on the Present and Future Streets, Alleys, Bridges, Highways and Public Places within the City Of Toppenish, Electric Light and Power Lines and Appurtenances**

**for the Purpose of Supplying Electricity and Electric Service to a Portion of the City Of Toppenish, the Inhabitants thereof and Others Subject to the Terms and Conditions Specified in the Ordinance.**

Councilmember Oaks moved, seconded by Councilman Kwan to adopt Ordinance 2010-6 An Ordinance Of The City Council Of The City Of Toppenish, Washington, Granting To Benton Rural Electric Association, And To Its Successors And Assigns, A Non-Exclusive Right And Franchise For A Period Of Twenty Five (25) Years To Construct, Maintain And Operate In And On The Present And Future Streets, Alleys, Bridges, Highways And Public Places Within The City Of Toppenish, Electric Light And Power Lines And Appurtenances For The Purpose Of Supplying Electricity And Electric Service To A Portion Of The City Of Toppenish, The Inhabitants Thereof And Others Subject To The Terms And Conditions Specified In The Ordinance. . Motion carried unanimously.

**Ordinance 2010-7:**

**Ordinance Adjusting Sewer Rates to Give Credit for Indian Health Service 2010 Contribution to Construction Costs of Mandated Upgrades to the Wastewater Treatment Facility.**

Councilmember Belton moved, seconded by Councilman Oaks to adopt Ordinance 2010-7 Ordinance Adjusting Sewer Rates to Give Credit for Indian Health Service 2010 Contribution to Construction Costs of Mandated Upgrades to the Wastewater Treatment Facility. Motion carried unanimously.

**Resolution 2010-10:**

**Resolution Declaring Certain Property as Surplus and Authorizing the Disposition Thereof.**

Councilmember Jiménez moved, seconded by Councilman Taylor to adopt Resolution 2010-10 Resolution Declaring Certain Property as Surplus and Authorizing the Disposition Thereof. Motion carried unanimously.

**COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS**

Mayor Thorington reported that he and several Councilmembers attended the AWC Small City Roundup in Granger on March 24, 2010.

Councilmember Jiménez reported that she attended the unveiling of the new Granger amphitheater on April 10, 2010.

**CITY MANAGER REPORTS**

CM Murphy had nothing to report.

Mayor Thorington allowed Simon Sampson to speak briefly to the Council to report on the progress of the Community Safety Network. Mr. Sampson reported that he and Yakima County Commissioner Kevin Bouchey met with the new Yakama Tribal Council concerning the Community Safety Network and the Yakima County Gang Commission, and that the Annual Safety Symposium will be held on May 22, 2010 at Legends Casino.

**EXECUTIVE SESSION**

Mayor Thorington called for an executive session to be held at 7:17 p.m. Mayor Thorington informed the public that the session would convene for less than 15 minutes with the subject of discussion being potential litigation, and it was anticipated that no action would be taken when the Regular Session reconvened.

Mayor Thorington called the regular session back to order at 7:32 p.m. Mayor Thorington reported that no action would be taken at this time as a result of the Executive Session.

**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 7:32 p.m.

---

BLAINE R. THORINGTON, MAYOR

---

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK