

TOPPENISH CITY COUNCIL
Regular Meeting Minutes
April 26, 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, Derald Ortloff, and Randy Taylor.

Staff Present: City Attorney Gary M. Cuillier (CA Cuillier), Public Works Director Lance Hoyt (PWD Hoyt), Police Captain Curtis Ruggles (PC Ruggles), Police Officer Casey Gillette, Building Official/City Planner William Rathbone (CP Rathbone), City Interpreter Jorge Villaseñor, MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

WELCOME NEW POLICE OFFICER

Police Captain Curtis Ruggles (PC Ruggles) introduced Police Officer Casey Gillette as an April 23, 2010 graduate from the police academy, and newest member of the Toppenish Police Department.

PUBLIC COMMENT

Ish Balderas, 1406 Adams Avenue, Toppenish, expressed his frustration that the City has not resolved the dust control problem that has been an on going problem in the Berger Addition and requested that the City revisit the issue of dust abatement for his neighborhood. Mayor Thorington responded that he would discuss the matter with City Manger Murphy and someone would get back to him.

CONSENT AGENDA

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

- a. Approve Minutes of the April 12, 2010 Meeting.
- b. Approve Pay Estimate #2 and Final to Columbia Asphalt & Gravel, Inc. for the So. Toppenish Ave. and Washington Ave. Improvements Project in the total amount of \$22,444.10 with retainage held in the amount of \$1,145.11.
- c. Approve Pay Estimate #24 to Pacific Crest Construction for the WWTF Improvements Project in the total amount of \$167,098.12 and payment of retainage to escrow in the total amount of \$8,027.46.
- d. Approve Payroll Checks Number 29487 through 29566 in the total amount of \$252,452.63 dated April 15, 2010.
- e. Approve Claims Checks Numbered 70255 through 70337, and Excise Fund Transfer 99100426 in the total amount of \$400,524.63 dated April 26, 2010 and void Check Number 70207.

Motion carried unanimously.

OLD BUSINESS

Declare the So. Toppenish Ave. and Washington Ave. Improvements Project Complete and Begin the 45-Day Lien Process.

Councilmember Taylor moved, seconded by Councilmember Jiménez to declare the South Toppenish Avenue and Washington Avenue Improvements Project complete and begin the 45-day lien process. Motion carried unanimously.

Release Retainage to Columbia Asphalt & Gravel, Inc. for the Post Office Alley Project in the amount of \$2,421.60.

Councilmember Ortloff moved, seconded by Councilmember Oaks to release retainage to Columbia Asphalt & Gravel, Inc. in the amount of \$2,421.60 for the Post Office Alley Project noting that the 45-day lien process was concluded with no liens received, and Certification from Department of Revenue, Department of Labor & Industries and Employment Security have been received as well as all other required documents. Motion carried unanimously.

PUBLIC HEARING

Public Hearing Re: Proposed Changes to the Future Land Use Map of the Toppenish Comprehensive Plan. Presentation by William Rathbone, Planning Commission Liaison.

Mayor Thorington opened the public hearing at 7:12 p.m.

City Planner William Rathbone (CP Rathbone) reported that the proposed changes to the Future Land Use Map consist of four separate areas that are located within the City as well as the Urban Growth Area. CP Rathbone summarized the proposed changes for reclassifying eleven properties on Elmwood Road from residential to industrial/manufacturing; reclassifying a property on South Division Street from residential to commercial; reclassifying properties on Zillah Avenue from industrial/manufacturing to residential; and reclassifying properties on Washington from transitional to residential. CP Rathbone stated that the Planning Commission submitted its Findings of Fact and recommends that the City Council adopt the proposed changes to the Future Land Use Map of the Toppenish Comprehensive Plan.

Tom Durant, 513 North Front Street, Suite Q, Yakima, reported that he was present on behalf of applicant Washington Beef, for the proposed changes of the eleven parcels on Elmwood Road from residential to industrial/manufacturing, to reflect the current use of the property in the area.

Councilmember Ortloff expressed his concerns regarding the proposed zoning changes for Washington Beef would have an effect on the remaining residential property owners in the area and the value of their homes.

Jim Thomas, 300 Fort Road, Toppenish, commented on the odor caused by Washington Beef and that the proposed expansion would increase the odor.

Jan Whitefoot, 80 North Avenue, Harrah, reported on the results of her internet research on the various EPA violations against Washington Beef for failing to comply with a variety of issues concerning water contamination. She encouraged the Council to vote no on the proposed zoning changes for Washington Beef.

Virgil James, 503 Katsura Street, Toppenish, reported that he was requested by the Yakama Tribal Council to attend the meeting to address the proposed zoning changes for Washington Beef. Mr. James stated that he has been the Zoning Administrator for the Yakama Nation for over 20 years, and expressed his concerns regarding the reduction of the quality of life because of the pollution damage to the air and water caused by Washington Beef and opposes the proposed changes.

Helen Reddout, 2241 Hudson Road, Outlook, stated that her opinion is that Washington Beef needs to assume full responsibility for its operations and be held accountable for the odor and pollution of the water. Mrs. Reddout encouraged the Council to vote no.

Mayor Thorington reported that he was not ready to vote on the proposed changes for the Elmwood properties.

Brad McDowell, President of Washington Beef, stated that Washington Beef was acquired by AgriBeef in June 2003, took over ownership in December 2003, and that he has been with the company since January 2004. Mr. McDowell reported on the various improvements that have been accomplished at the facility totaling almost \$35 million to improve the air quality and wastewater discharge issues.

Councilmember Jiménez requested that Mr. McDowell address the rumored biodiesel plant.

Brad McDowell responded that approximately two years ago AgriBeef's Senior Management Team strategized on ways to create environmental sustainability for the facility and researched technology that would make use of waste by-products that are generated through the business.

Councilmember Jiménez stated that she is surprised that the Planning Commission did not receive public comment during the April 6, 2010 public hearing. CP Rathbone responded that the Planning Commission received no public comment and that the area property owners in a 300-foot radius were notified regarding the proposed changes.

There being no further comments from the public, Mayor Thorington closed the public hearing at 8:17 p.m.

NEW BUSINESS

Award Bid for the Guyette Lane Improvement Project. Presentation by Lance Hoyt, Public Works Director.

PWD Hoyt reported that the City received three bids for the Guyette Lane Improvement Project and that Columbia Asphalt & Gravel, Inc. was the apparent low bidder at \$217,111.64. The Engineer's Estimate was listed as \$217,744.58.

Councilmember Ortloff moved, seconded by Councilmember Taylor to award the bid for the Guyette Lane Improvement Project to Columbia Asphalt & Gravel, Inc. as the apparent low bidder with a bid of \$217,111.64. Motion carried unanimously.

Presentation by Lance Hoyt, Public Works Director Regarding Funding for McDonald Road Project.

PWD Hoyt reported that the McDonald Road Project is listed as item 4 on the Six Year Street Improvement Plan and that the City has been trying to find funding for the project. PWD Hoyt stated that the latest opportunity for funding is for the City to apply for the Surface Transportation Program (STP) funding, which is a competitive application process for use of gas tax money that is distributed through the Yakima Valley Metropolitan Planning Organization (MPO)/Regional Transportation Planning Organization (RTPO) to allocate for transportation projects.

Proclamation in Support of Crime Stoppers of Yakima County Fund Raiser – Your Canyon for a Day Bike Tour of the Yakima River Canyon on May 23, 2010.

Mayor Thorington recited the proposed proclamation to declare May 23, 2010 as “Your Canyon for a Day” in support of Crime Stoppers of Yakima County.

Presentation By Captain Curtis Ruggles Regarding Planned Purchase of Police Vehicles.

PC Ruggles reported that the budget enhancement adopted in the 2010 Budget allows for the purchase of three new fully outfitted police patrol vehicles in the amount of \$140,700.

ORDINANCES AND RESOLUTIONS

Ordinance 2010-8:

Ordinance Amending TMC 15.30.160(A)(1) to Create Exception to Specific Standards for Additions to any Residential Structures by Allowing the Lowest Floor Level of an Addition to be Constructed to a Level that is at or Above the Lowest Floor Level of the Existing Structure, other than its Basement.

Councilmember Belton moved and seconded by Councilmember Oaks to adopt Ordinance 2010-8 Ordinance Amending TMC 15.30.160(A)(1) to Create Exception to Specific Standards for Additions to any Residential Structures by Allowing the Lowest Floor Level of an Addition to be Constructed to a Level that is at or Above the Lowest Floor Level of the Existing Structure, other than its Basement. Motion carried unanimously.

Ordinance 2010-9

Ordinance Amending the Future Land Use Map of the City of Toppenish Comprehensive Plan By Changing the Future Land Use of Properties as Follows:

- (A) From Industrial District to Residential District: The following described properties, commonly known As 403, 405, 409 and 411 Zillah Avenue,**

Lots 2, 3, 4 and 5 of GEIGER ADDITION TO TOPPENISH, according to the official plat thereof, records of Yakima County, Washington. Yakima County Parcel Numbers 201003-13401, 201003-13402, 201003-13403, and 201003-13404.

(B) From Transitional District to Residential District: The following described properties, commonly known as 1206 and 1208 Washington Avenue,

That part of the Northwest quarter of the Northeast quarter of Section 4, Township 10 North, Range 20 East WM described as follows:

Beginning at the southeast corner of Lot 52, Block 18 of Mountain View Addition to Toppenish; thence north 47° 1' west 124.86 feet; thence north 42° 59' east 180 feet; thence south 47° 1' east 124.86 feet; thence south 42° 59' West 180 feet to the point of beginning; except that part in Mountain View Addition to Toppenish; and

That part of Mountain View Addition to Toppenish lying westerly of a line drawn parallel with and 239.86 feet northwest of the southeasterly line of Lot 52, Block 18 of said subdivision; also that part of the following lying westerly of the above described line as follows: Beginning at the southwest corner of northwest quarter of the northeast quarter of the above described subsection; thence north 274.2 feet; thence south 47° 1' east 396.7 feet; thence south 89° 14' west 290.3 feet to the point of beginning.

Yakima County Parcel Numbers 201004-12006 and 201004-12007.

(C) From Industrial District to Commercial District: The following described property, commonly known as 701 South Division Street,

Lots 1 and 2, Block 20, PARKERS SECOND ADDITION TO TOPPENISH, according to the official plat thereof, records of Yakima County, Washington.

Yakima County Assessor's Parcel Number 201010-23494.

City Attorney Cuillier reported that Council could act on the matter with the exception of the Washington Beef property on Elmwood Road and take up the discussion at the next meeting or refer it back to the Planning Commission.

Councilmember Ortloff inquired why the property on South Division Street is being reclassified to commercial. CP Rathbone responded that the current industrial classification is not appropriate for the intended use to have a daycare.

Councilmember Belton moved and seconded by Councilmember Jiménez to adopt Ordinance 2010-9, as revised with all reference to Elmwood Properties (Washington Beef) removed, Ordinance Amending the Future Land Use Map of the City of Toppenish Comprehensive Plan by Changing the Future Land Use of Properties as Follows: From Industrial District to Residential District: The following described properties, commonly known as 403, 405, 409 and 411 Zillah Avenue, Lots 2, 3, 4 and 5 of GEIGER ADDITION TO TOPPENISH, according to the official plat thereof, records of Yakima County, Washington. Yakima County Parcel

Numbers 201003-13401, 201003-13402, 201003-13403, and 201003-13404. (B) From Transitional District to Residential District: The following described properties, commonly known as 1206 and 1208 Washington Avenue, That part of the Northwest quarter of the Northeast quarter of Section 4, Township 10 North, Range 20 East WM described as follows: Beginning at the southeast corner of Lot 52, Block 18 of Mountain View Addition to Toppenish; thence north 47° 1' west 124.86 feet; thence north 42° 59' east 180 feet; thence south 47° 1' east 124.86 feet; thence south 42° 59' West 180 feet to the point of beginning; except that part in Mountain View Addition to Toppenish; and That part of Mountain View Addition to Toppenish lying westerly of a line drawn parallel with and 239.86 feet northwest of the southeasterly line of Lot 52, Block 18 of said subdivision; also that part of the following lying westerly of the above described line as follows: Beginning at the southwest corner of northwest quarter of the northeast quarter of the above described subsection; thence north 274.2 feet; thence south 47° 1' east 396.7 feet; thence south 89° 14' west 290.3 feet to the point of beginning. Yakima County Parcel Numbers 201004-12006 and 201004-12007. (C) From Industrial District to Commercial District: The following described property, commonly known as 701 South Division Street, Lots 1 and 2, Block 20, PARKERS SECOND ADDITION TO TOPPENISH, according to the official plat thereof, records of Yakima County, Washington. Yakima County Assessor's Parcel Number 201010-23494; with the exception of the Washington Beef property on Elmwood Road, and ask that it be brought back to Council with further information. Motion carried unanimously.

Ordinance 2010-10:

Ordinance Authorizing the Acquisition of Personal Property and Execution of a Financing Contract and Related Documentation Relating to the Acquisition of Said Personal Property.

Councilmember Taylor moved, seconded by Councilmember Belton to adopt Ordinance 2010-10 Ordinance Authorizing the Acquisition of Personal Property and Execution of a Financing Contract and Related Documentation Relating to the Acquisition of Said Personal Property. Motion carried unanimously.

Resolution 2010-11:

Reimbursement Obligation Resolution.

Councilmember Jiménez moved, seconded by Councilmember Oaks to adopt Resolution 2010-11 Reimbursement Obligation Resolution. Motion carried unanimously.

City of Toppenish Proclamation Declaring May 23, 2010 as “Your Canyon for a Day” in support of Crime Stoppers of Yakima County.

Councilmember Belton moved, seconded by Councilmember Taylor to adopt City of Toppenish Proclamation Declaring May 23, 2010 as “Your Canyon for a Day” in support of Crime Stoppers of Yakima County. Motion carried unanimously.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Mayor Thorington reported that he and Councilmember Jiménez attended the Mayors' meeting on April 15, 2010.

Councilmember Belton moved, seconded by Councilmember Taylor to approve all Councilmembers to attend the AWC Annual Conference in Vancouver. Motion carried unanimously.

EXECUTIVE SESSION

Mayor Thorington called for an executive session to be held at 8:44 p.m. Mayor Thorington informed the public that the purpose of the session was to discuss litigation that the City reasonably believes may be commenced by or against the City. Mayor Thorington stated that the executive session would convene for less than 10 minutes, 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 8:54 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 8:54 p.m.

BLAINE R. THORINGTON, MAYOR

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK