

**TOPPENISH CITY COUNCIL**  
**Regular Meeting Minutes**  
**December 14, 2009**

Mayor Loren Belton called the meeting to order at 7:00 p.m.

**ROLL CALL**

Present: Mayor Loren Belton and Councilmembers Christina Kwan, Derald Ortloff, William Rogers, Randy Taylor, and Blaine Thorington.

Staff Present: City Manager William C. Murphy (CM Murphy), City Attorney Gary M. Cuillier, Finance Director/City Clerk Linda B. Mead, Fire Chief Tim Smith, Public Works Director Lance Hoyt, Public Works Maintenance Technician Ken Rathbun, City Interpreter Jorge Villaseñor, MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

**PUBLIC COMMENT**

None.

**RECOGNITION OF SERVICE:**

**10 Year Service Pins – Judy Devall, Tim Smith, and Robert Salinas.**

**15 Year Service Pins – Ken Rathbun and Sheryl Newman.**

Mayor Belton presented 10-year service pins to Judy Devall, Community Television Manager and Fire Chief Tim Smith, and a 15-year service pin to Ken Rathbun, Public Works Maintenance Technician. It was announced that Robert Salinas, Police Detective and Sheryl Newman, Police Lead Dispatcher were not able to be present to receive their service pins. The Council thanked the City employees for their dedication and service to the community. Mayor Belton recited and presented a Certificate of Appreciation from Yakima Valley Conference of Governments to Public Works Director Lance Hoyt for his work on the MPO/RPTO Technical Advisory Committee for many years. Mayor Belton presented a plaque to Councilman William L. Rogers for his 28 years and 4 months of dedicated service as a Toppenish City Councilmember.

**CONSENT AGENDA**

Councilman Rogers moved, seconded by Councilman Ortloff to approve Consent Agenda items a through g:

- a. Approve Minutes of the November 23, 2009 Regular Meeting.
- b. Approve Minutes of the December 7, 2009 Study Session.
- c. Receive November 2009 Budget Report and Update memorandum submitted by Finance Director/City Clerk Linda Mead.
- d. Approve Pay Estimate #20 to Pacific Crest Construction for the WWTF Improvements Project in the total amount of \$416,173.53 and payment of retainage to escrow in the total amount of \$20,222.23.
- e. Approve Payroll Vouchers Number 28540 through 28622 in the total amount of \$228,262.28 dated November 30, 2009.

- f. Approve correction of Claims Voucher Number 69657 to 69357 dated November 23, 2009.
- g. Approve Claims Vouchers Number 69358 through 69481 in the total amount of \$652,657.37 dated December 14, 2009.

Motion carried unanimously.

### **OLD BUSINESS**

#### **Declare the Post Office Alley Project Complete and Begin the 45-Day Lien Process.**

Councilman Thorington moved, seconded by Councilman Rogers to declare the Post Office Alley Project complete and begin the 45-day lien process. Motion carried unanimously.

### **NEW BUSINESS**

#### **Confirm Re-appointment of John E. Maxwell as Municipal Court Judge (First Appointed on August 25, 2003).**

CM Murphy reported that Judge Maxwell has been serving the City of Toppenish for over six years as the Municipal Court Judge and that statutory requirements state that after the Judge is re-appointed by the City Manager for a four-year term it has to be confirmed by the City Council.

Councilman Taylor moved, seconded by Councilman Thorington to confirm re-appointment of John E. Maxwell as Toppenish Municipal Court Judge. Motion carried unanimously.

#### **Award Bid for the El Paso Roof Improvement Project.**

CM Murphy reported that the project has been budgeted for the maintenance of the building for roof improvements. Public Works Director Hoyt stated that Huylar Construction is the sole bidder and that the City has \$55,000.00 budgeted for the project.

Councilman Ortloff moved, seconded by Councilman Rogers to award bid for El Paso Roof Improvement Project to Huylar Construction Co., Inc. for \$48,552.00, plus tax. Motion carried unanimously.

#### **Award Bid for Designating Official Newspaper.**

CM Murphy reported that State law requires the City to designate an official newspaper each year for publication of required notices. The City requested bids and received bids from the Yakima Herald-Republic and the Review-Independent. CM Murphy explained the difference in the cost of the two bids, from readership, frequency of publication, and the size of the printed publication and informed Council that it is necessary for them to decide and designate an official newspaper for the City.

Councilman Thorington moved, seconded by Councilman Rogers to award bid designating official newspaper to the Review-Independent for the period of December 1, 2009 through November 30, 2010. Motion carried unanimously.

**Schedule Public Hearing on January 11, 2010 regarding Department of Commerce Community Development Block Grant Application.**

Councilman Rogers moved, seconded by Councilman Taylor to schedule a public hearing on January 11, 2010 regarding a possible Department of Commerce Community Development Block Grant Application. Motion carried unanimously.

**Set Agenda for January 4, 2010 Study Session.**

It was the consensus of the Council to discuss filling the vacancies on the different committees and receive a brief report from Fire Chief Smith on the status of the EMS Levy during the January 4, 2010 Study Session.

**ORDINANCES AND RESOLUTIONS**

**Ordinance 2009-19:**

**An Ordinance Amending the 2009 Operating Budget and Amending Ordinance 2008-31 and Ordinances 2009-3 and 2009-9 for the City of Toppenish, Washington.**

FD Mead reported that the proposed budget amendment is to adjust for unanticipated revenues received during 2009 for street projects from the ARRA program totaling \$263,300.00 and the Public Safety Grant Fund totaling \$126,620.00 from various fire and police grants.

Councilman Rogers moved, seconded by Councilman Thorington to adopt Ordinance 2009-19 An Ordinance Amending the 2009 Operating Budget and Amending Ordinance 2008-31 and Ordinances 2009-3 and 2009-9 for the City of Toppenish, Washington. Motion carried unanimously.

**Resolution 2009-26:**

**Resolution Designating Official Newspaper.**

Councilman Thorington moved, seconded by Councilman Ortloff to adopt Resolution 2009-26 Resolution Designating Official Newspaper. Motion carried unanimously.

**COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS**

Councilman Ortloff reported that the Community Safety Network would be meeting on December 15, 2009 at the Grace Brethren Church.

**CITY MANAGER REPORTS**

CM Murphy reported that the Finance Department would be under construction for the next 10 days for the remodeling of the front counter area. CM Murphy stated that today Finance Director Mead shared good news with him regarding the Department of Revenue audit pertaining to tax on utility tax and that the City will be saving roughly \$180,000.00 and has received an \$8,000.00 refund check.

**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 7:31 p.m.

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LOREN O. BELTON, MAYOR

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HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK