

# TOPPENISH CITY COUNCIL

## Regular Meeting Minutes

June 9, 2008

### REGULAR SESSION CALL TO ORDER

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

Present: Mayor Loren Belton and Councilmen Al Hubert, Derald Ortloff, Ed Pacheco, William Rogers, Randy Taylor, and Blaine Thorington.

Absent: None.

Staff Present: City Manager William C. Murphy, City Attorney Philip A. Lamb, Public Works Director Lance Hoyt, Building Official/Code Enforcement Officer Fletcher Scaife, Executive Assistant/Deputy City Clerk Heidi Riojas, and MidValley Television Manager Judy Devall.

### PUBLIC COMMENT

**Mr. Alexander Mejia**, 402 Bolin Drive, Toppenish, expressed his views to the Council regarding the police department conducting background checks on individuals with felony records and the current economic state of the community.

### CONSENT AGENDA

Councilman Thorington requested to put a hold on Consent Agenda item e.

**Councilman Rogers moved, seconded by Councilman Thorington to approve the Consent Agenda items a through d.**

- a. Approve Minutes of the May 27, 2008 Regular Council Meeting.
- b. Approve Minutes of the June 2, 2008 Study Session.
- c. Approve Payroll Vouchers for May 31, 2008:  
Voucher Number 24980 through 25081 for \$163,624.68.
- d. Approve Pay Estimate #2 to Pacific Crest Construction, Inc. for the Wastewater Treatment Plant Improvement project in the amount of \$613,099.51 and retainage paid into an escrow account in the amount of \$14,424.92.

**Motion carried unanimously.**

Councilman Thorington complimented the Finance Department for providing a detailed Accounts Payable report and requested a clarification on item e because of the erroneous agenda stamp.

**Councilman Thorington moved, seconded by Councilman Hubert to approve Consent Agenda item e.**

- e. Approve Claims Vouchers for June 9, 2008:  
Voucher Number 65464 through 65576 for \$770,031.43.

**Motion carried unanimously.**

## **UNFINISHED BUSINESS**

### **Discuss Status Of Planning Commission/Design Review District Issues Re: Western Theme**

Mayor Belton invited Planning Commission Chair Gerald Burr to answer the questions that the Council had concerning the proposed ordinance. Councilman Hubert recommended identifying the Design Review District area, which prohibits the installation of certain types of signs. City Manager Murphy responded that the proposed ordinance is intended to address all signs within the entire City; however, there is a specific reference to signs in the Design Review District elsewhere in the proposal. He stated that the proposal includes the entire City with special provisions for the Design Review District. City Manager Murphy stated that a different chapter in the Toppenish Municipal Code identifies and defines the boundaries of the Design Review District. He mentioned that the proposed ordinance sets out requirements for signs in the Design Review District. Councilman Taylor presented the Council with a copy of a map that outlines the Design Review District. Councilman Rogers reported that the purpose of the creation of the Design Review District was to restrict illuminated signs, strobe lights, and reader board messages in the downtown area.

Councilman Thorington stated that he appreciated the work of the Planning Commission; however, he would like to have more time to review and study the matter before he would be ready to adopt an amendment to the ordinance. City Manager Murphy clarified that the matter was listed on the agenda as a discussion item, and not for the adoption of an amendment. Mr. Burr stated that the Planning Commission would like to move the matter forward so that they could send the proposed ordinance to City Attorney Lamb for review and modification.

The Council expressed their appreciation to the Planning Commission members for their work on presenting the proposed ordinance. Councilman Taylor talked about his concerns of defining the "Western Theme" in the Design Review District to avoid confusion. Councilman Rogers responded that he believes that at one time, the City had a two-layered Design Review District, which included the retail core in the downtown area and the secondary area that included the outlining areas of West First and Elm Street. Mayor Belton recommended to Mr. Burr to have the Planning Commission send the matter to City Attorney Lamb for further work.

**Councilman Thorington moved, seconded by Councilman Ortloff to discuss the issue further at a study session. Motion carried unanimously.**

Councilman Hubert requested that Building Official/Code Enforcement Officer Scaife relay to the Planning Commission members that the Council appreciates their hard work to present the proposed ordinance.

### **Discuss status of the alternatives for the Berger Lane Local Improvement District**

City Manager Murphy reported that the public hearing listed on 5a is for the Six Year Street Transportation Improvements Program (STIP). He stated that Public Works Director Hot would be giving a presentation regarding the plan. City Manager Murphy stated that the Berger Lane Local Improvement District (LID) project has been on the Six Year STIP for a number of years and that the Council has expressed an interest on whether to retain the project on the plan or not. He said that the matter was on the agenda for the Council to decide to move forward with the project or discuss alternative uses for the funding. It was the consensus of the Council to hold the discussion after the public hearing.

### **Ordinance 2008-11.**

### **Ordinance Changing The Membership Of The Tourism Fund Advisory Committee By Amending Section 2.30.150 Of The Toppenish Municipal Code**

Councilman Rogers requested a clarification on the reason for the additional membership changes. City Manager Murphy responded that the additional changes are to reflect the current membership on the

committee. He stated that the proposed ordinance would be consistent with the actual committee membership.

**Councilman Rogers moved, seconded by Councilman Taylor to adopt Ordinance 2008-11 Changing The Membership Of The Tourism Fund Advisory Committee By Amending Section 2.30.150 Of The Toppenish Municipal Code. Motion carried unanimously.**

**Councilman Taylor moved, seconded by Councilman Pacheco to appoint Christina Kwan to fill the Community at Large vacancy on the Tourism Fund Advisory Committee. Motion carried unanimously.**

## **PUBLIC HEARINGS**

### **Public Hearing Re: Six Year Street Transportation Improvements Program Receive Staff Presentation By Lance Hoyt, Public Works Director, And Public Comments On The Six Year Street Transportation Improvements Program**

Mayor Belton opened the public hearing at 7:31 p.m.

Public Works Director Hoyt stated that the Six Year Street Plan prioritizes street projects by importance for traffic, pedestrian use, and funding. He stated that one of the four projects includes the Guyette Lane improvement project. The project would be to connect Hawthorne Street and Rentschler Lane and connect two elementary schools. He stated that the City has applied for funding from the 2008 Safe Routes to School Grant Program. Public Works Director Hoyt described the East McDonald Road project, which is listed second on the plan. He said that the project would refurbish the road at the intersection of East McDonald and Highway 22. Public Works Director Hoyt stated that the Berger Lane project is listed as the third project and the L Street project is listed as the fourth project on the plan.

There being no comments from the public, the public hearing was closed at 7:37 p.m. by Mayor Belton.

Councilman Rogers inquired which projects would the City realistically be able to accomplish in the near future. Public Works Director Hoyt responded that the City had \$350,000 funds being held by the Transportation Improvement Board for street projects that have been earmarked for the Berger Lane project. He said that if the Berger Lane project does not move forward the funds could be used to complete the Guyette Lane improvement project, and then the East McDonald Road project. Public Works Director Hoyt said that the balance could be used for City street maintenance for crack sealing and chip sealing. He said that the residential streets receive the lowest funding priority because they are typically funded by forming Local Improvement Districts. City Manager Murphy asked if the Council would like to keep the Berger Lane project on the Six Year Street Plan. Mayor Belton stated that the majority of the property owners have said no to the proposal for the local improvement district. Councilman Thorington stated that he received phone calls about the property owners interested in having a road with chip sealing. City Manager Murphy responded that the matter has been discussed during a public meeting, and that after his phone call with Councilman Thorington, he discussed the issue further with Public Works Director Hoyt. He stated he told Councilman Thorington that he did not think that type of road surface would comply with the City's road building standards. City Manager Murphy said that another concern was the cost of maintaining that type of road surface and that it would be more than what the City currently pays for dust abatement. Public Works Director Hoyt explained the process for chip sealing a road as a temporary fix. He said that without the proper road preparation to create the optimally road base, the road would eventually deteriorate to the point that there would not be a way for public works to grade the road. Public Works Director Hoyt stated that his department receives complaints about dust. He spoke briefly about the street requirements for a short subdivision in the City. Councilman Rogers suggested that the Council leave the Berger Lane project on the list, and release the money to be used for other street projects. Councilman Pacheco supported releasing the money to be used for other street projects.

**Councilman Rogers moved, seconded by Councilman Thorington to leave the Berger Lane project on the Six Year Transportation Improvements Program as presented and to free up the \$350,000 money to be used for other projects. Motion carried unanimously**

Mayor Belton restated that the majority of the current property owners of the 34 lots refused to have the Local Improvement District that would force them to pay over \$16,000. City Manager Murphy stated that he has not received documentation that confirmed that the majority of the property owners, at one time, requested to have a Local Improvement District.

**Public Hearing Re: Shoreline Master Program Update  
Receive presentation by Drew Miller, Transportation Planner with the Yakima Valley Conference of Governments, and public comments on the Shoreline Master Program Update**

Mayor Belton opened the public hearing at 7:52 p.m.

Page Scott, Executive Director of the Yakima Conference of Governments (YVCOG) , stated that she was there to discuss the process of the Yakima County Regional Shoreline Master Program (SMP). She stated that the City has annexed six acres of land that are subject to the SMP. Ms. Scott reported that any action taken by the City is subject to final review and approval of the Department of Ecology.

There being no comments from the public, the public hearing was closed at 7:59 p.m., by Mayor Belton.

## **NEW BUSINESS**

**Resolution 2008-9  
Resolution Amending The Six Year Transportation Improvements Program For The Years 2009 Through 2014**

**Councilman Rogers moved, seconded by Councilman Thorington to adopted Resolution 2008-9 Amending The Six Year Transportation Improvements Program For The Years 2009 Through 2014. Motion carried unanimously.**

**Set Agenda For July 7, 2008 Study Session**

It was the consensus of the Council to discuss the Design Review District and Sign Ordinance during the July 7, 2008 Study Session. Councilman Rogers invited the Planning Commission members to attend the study session and participate during the meeting.

Councilman Hubert asked if Graffiti Gone included the cost of the paint in the price that was quoted to the City Manager. City Manager Murphy responded that the paint was included in the quoted price for the graffiti removal services.

## **COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS**

Mayor Belton reported that on June 6, 2008, he and Councilmen Hubert, Ortloff, Pacheco, and Taylor attended the Treaty Days Parade and rode in the old fire truck.

Councilman Hubert invited the community to attend an Open House on July 12, 2008 at the Armory to bid farewell to members of an Army National Guard unit being deployed to Iraq in August. He requested help from the community and that people contact him if they would like to volunteer to help with the event.

Councilman Thorington expressed his support of the proposed improvements at Pioneer Park that will be contributed by the Seattle Seahawks. City Manager Murphy reported that the normal procedure would be

for the Parks and Recreation Board review the matter and seek recommendation. He said that the issue was presented during the last meeting; however, with no quorum present, the matter was reset for the July meeting. City Manager Murphy reported that the members that were at the meeting were in favor and voiced their support of the plan. He asked if the Council would like to approve project without the recommendation from the Parks and Recreation Board.

**Councilman Thorington moved, seconded by Councilman Taylor to authorize the City Manager to proceed with the project for the playground equipment at Pioneer Park. Motion carried unanimously.**

Councilman Pacheco requested that City Manager Murphy briefly discuss the project for the benefit of the community. City Manager Murphy responded that the National Football League has launched a program that they call NFL Play 60 that is a program designed to encourage young people to engage in a regular program of exercise. He stated that the Seattle Seahawks want to establish a presence in Eastern Washington by contributing funds to rehabilitate, repair, or replace playground equipment in a suitable public park at their expense. The Seattle Seahawks would later in the year sponsor a community event that would be designed to encourage kids to become fit and stay fit. He said that the community event still needs to be scheduled and the details on the playground equipment still need to be worked out. Councilman Rogers explained the history of the purchase and development of Pioneer Park.

Councilman Taylor expressed his concern about the condition of the grass around the ball field at Pioneer Park.

Mayor Belton briefly spoke about the success of Mural In A Day and the Lions Club Breakfast on June 7, 2008.

## **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:17 p.m.

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LOREN O. BELTON, MAYOR

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HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK