

TOPPENISH CITY COUNCIL
Regular Meeting Minutes
April 11, 2016

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

ROLL CALL

Present: Mayor Clara Jiménez and Councilmembers J. Eligio Jiménez, Mark Oaks, Derald Ortloff, and Blaine Thorington.
Absent: Councilmembers Gabriel Piñon and Angelica Walle.
Staff Present: City Manager Lance Hoyt (CM Hoyt), City Attorney Gary Cuillier (CA Cuillier), Community Development Director William Rathbone (CDD Rathbone), City Interpreter Jorge Villaseñor, MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

Councilmember Thorington moved, seconded by Councilmember Ortloff to excuse Councilmember Walle and Councilmember Piñon from the April 11, 2016 Regular Meeting. Motion carried unanimously.

PUBLIC COMMENT

Community Safety Network (CSN) Representative Diana Sampson, announced that from 9:00 a.m. to noon on April 30, 2016 there will be a Spring Clean-up event and a Tire Amnesty in the community. Ms. Sampson distributed flyers promoting the event.

CONSENT AGENDA

Councilmember Oaks moved, seconded by Councilmember J. Jiménez to approve Consent Agenda items a through d:

- a. Approve Minutes of the March 28, 2016 Regular Council Meeting.
- b. Approve Minutes of the April 4, 2016 Study Session.
- c. Approve Payroll Checks Number 33355 through 33358 and EFTPR669-675 in the total amount of \$165,233.85 dated April 5, 2016.
- d. Approve Claims Checks Number 83606 through 83695 in the total amount of \$339,319.49 dated April 11, 2016 and void Checks Number 83461 and 83610.

Motion carried unanimously.

PUBLIC HEARING

Public Hearing Regarding the Proposed Amendment to Future Land Use Map of the Toppenish Comprehensive Plan. Receive Staff Presentation and Public Comments.

Mayor C. Jiménez opened the public hearing at 7:08 p.m. For the benefit of the audience, Mayor C. Jiménez recited the Hearing Procedures that summarize the process how she will conduct the public hearing.

CDD Rathbone stated the purpose of the public hearing is to consider an application submitted by Washington Beef to amend the Future Land Use Map for the Toppenish Comprehensive Plan.

This amendment is to change the future land use zoning designation over 15 parcels totaling approximately 25.6 acres that are outside City limits and within the Urban Growth Area of the City. CDD Rathbone introduced and detailed each of the exhibits presented for the public hearing that consist of Chapter A - Application itemized as Exhibits A-1, A-2, A-3 and A-4; Chapter B - Notice and Advertising itemized as Exhibits B-1, B-2, B-3, B-4 and B-5; Chapter C - Planning Commission and Staff Information itemized as Exhibits C-1, C-2 and C-3; and Chapter D - SEPA itemized as Exhibits D-1, D-2 and D-3. CDD Rathbone reported that the Notice of Public Hearing was advertised on March 24, 2016 and on March 31, 2016 in the *Review-Independent*, a copy of the Affidavit of Publication provided as Exhibits B-2. CDD Rathbone reported that the Yakama Nation Environmental Review Coordinator, and the area property owners within a 350 feet radius of the subject properties were notified in English and in Spanish of this public hearing as detailed on the Affidavits of Mailing provided as Exhibits B-3, B-4 and B-5. CDD Rathbone summarized his staff report provided as Exhibit C-1 and recommends approval as previously recommended by the Toppenish Planning Commission to reclassify the 15 parcels south of Fort Road in the 200 and 300 blocks of Elmwood Road from Residential to Industrial/Manufacturing. The current zoning for 14 of the parcels subject to the application are R-1 Residential and one parcel is zoned Industrial. CDD Rathbone stated that the lands along Elmwood Road are a mixture of single family residences on parcels ranging from roughly half an acre to four acres and the industrial plant of Washington Beef facility located on the east side of Elmwood Road. The Toppenish Planning Commission considered the application, conducted a public hearing on February 2, 2016 on the application, and recommended approval based on the Findings of Fact provided as Exhibit C-2.

Tom Durant, President of Durant Development Services, Inc., 513 North Front Street, Suite Q, Yakima, reported that he was present on behalf of applicant Washington Beef. Mr. Durant recommends the proposed changes to the future land use designation of the Toppenish Comprehensive Plan for the 15 parcels on Elmwood Road from residential to industrial/manufacturing, to reflect the current use in the area and to adjust buffers between residential parcels and the facility operations of Washington Beef. Mr. Durant stated that the industrial/manufacturing designation is consistent with the industrial lands mapping criteria of the Comprehensive Plan since it allows for the expansion of existing industry, the area has suitable access and adequate municipal services. To respond to concerns discussed at the March 14, 2016 meeting, Mr. Durant provided records provided as Exhibit A-4 to illustrate the property values and property taxes in the area based on the four parcels purchased made by North Cascades Holdings, LLC, a subsidiary of Washington Beef.

Councilmember Ortloff expressed his concern regarding the impact to the remaining residential property owners and the value of their homes with the potential expansion of Washington Beef.

Brad McDowell, President of AB Foods/Washington Beef, 201 Elmwood Road, Toppenish, responded that he created the company of North Cascades Holdings, LLC, to be a subsidiary of Washington Beef, for the purpose of separating the real estate holdings from plant operations. Mr. McDowell briefly updated Council on the background of AgriBeef purchasing Washington Beef in 2003. Mr. McDowell explained the history of the three land acquisitions since 2003, consisting of four parcels, as a means to maintain and expand the safety buffer between the plant and residential homes. Mr. McDowell stated that an independent company is currently conducting a two phase study to provide options for the expansion of the box storage warehouse, within the

existing facility, to incorporate new automated technology to make it more efficient and viable for plant operations. In addition, Mr. McDowell briefly summarized the bio-terrorism requirements and plant safety requirements imposed on food processors by the Food Safety and Inspection Service, an agency of the United States Department of Agriculture. Mr. McDowell shared his possible vision for the next 10 years for the west side of Elmwood Road to include a new office with office parking, possibly a daycare center for employees, and to the south the relocation of the employee parking lot and to reclaim the existing employee parking lot as a secure truck parking lot to tie into the bio-gas and wastewater system. Mr. McDowell stated that with traffic safety being a concern for Washington Beef, the company has funded Elmwood Road improvements, along with a prorate share of funding for a traffic signal at the intersection of Elmwood Road and Fort Road.

Councilmember Ortloff acknowledged that Washington Beef provides a valuable contribution for the community; however, he is concerned with the impact to the remaining residential property owners with the possible depreciation of the value of their homes.

Patrice Kent, with the Yakama Nation Office of Legal Counsel, stated that the Yakama Nation is a sovereign nation pursuant to the Treaty of 1855, asserts its rights to appropriate government consultation with respect to any official action that may affect its rights or resources. This meeting should not be considered as consultation and comments at this meeting do not waive the rights of the Yakama Nation. The Yakama Nation requests that no action be taken on this issue pending a 90-day consultation period. Ms. Kent stated that the Yakama Nation believes that Washington Beef is currently in compliance with Federal and Tribal requirements.

Darrell Buell, 320 West Elmwood Lane, Toppenish, stated that he does not oppose the request; however, he expressed his concern with the traffic situation on Elmwood Road.

Alex Mejia, 402 Bolin Drive, Toppenish commented that he is concerned about noise and odors produced by Washington Beef and any expansion of the facility would increase air and noise pollution.

Donald Fiander, 350 Elmwood Road, Toppenish, commented that he is concerned that the business has a negative impact to the neighborhood with the quality of life, the environment and child safety.

No rebuttal was provided by CDD Rathbone, regarding the comments of the applicant, or citizens.

There being no further comments from the public, Mayor C. Jiménez closed the hearing at 8:38 p.m.

Councilmember Oaks had no comment. Councilmember Ortloff opposed taking action without the full Council being present. Councilmember Thorington supports the recommendation received from the Toppenish Planning Commission and City staff. Councilmember J. Jiménez had no comment. Mayor C. Jiménez stated that the properties are to be used for offices, parking, relocating areas for public safety, acknowledged contributions by Washington Beef for sidewalks, road surface, and traffic signal. Councilmember Thorington shared his experience dealing with the traffic on Elmwood Road and his concern for the safety of the children in the area.

Mayor C. Jiménez proposed that Council give staff until the April 25, 2016 Regular Meeting to prepare the Findings of Fact. The Mayor announced that the public hearing will be continued to April 25, 2016 at 7:00 p.m.

OLD BUSINESS

Ordinance 2016-01:

Ordinance Changing Office Hours for City Hall from 7:30 a.m. to 6:00 p.m. Monday through Thursday, to be from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Councilmember Thorington moved, seconded by Councilmember Ortloff to adopt Ordinance 2016-01, an Ordinance Changing Office Hours for City Hall from 7:30 a.m. to 6:00 p.m. Monday through Thursday, to be from 8:00 a.m. to 5:00 p.m. Monday through Friday. Motion carried unanimously.

NEW BUSINESS

Ordinance 2016-05:

An Ordinance Amending Section 2.35.060 of the Toppenish Municipal Code Regarding Court Costs.

Councilmember J. Jiménez moved, seconded by Councilmember Oaks to adopt Ordinance 2016-05, an Ordinance Amending Section 2.35.060 of the Toppenish Municipal Code Regarding Court Costs. Motion carried unanimously.

Set Agenda for the May 2, 2016 Study Session.

It was the consensus of Council to discuss the Transportation Benefit District with recent legislation permitting disbanding to elevate the need for separate meetings, along with receiving a retrocession update for the Agenda topics for the May 2, 2016 Study Session.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Councilmember J. Jiménez reported that he attended a CSN meeting to discuss details for the April 30, 2016 Spring Clean-up event.

Councilmember Oaks announced that the carnival is still setup on the rodeo grounds and will be operating over the weekend.

Mayor C. Jiménez congratulated the City for earning the AWC 2016 WellCity Award and in recognition of the award the City will receive a 2% medical insurance discount in 2017.

Mayor C. Jiménez clarified that a majority of the Council, consisting of four or more, are required to be present in order to conduct business.

CITY MANAGER REPORTS

CM Hoyt updated Council on the following:

- Council/Staff Retreat is scheduled for April 30, 2016.
- Invitation to attend the Yakama Nation event on April 22, 2016. Councilmembers J. Jiménez and Ortloff stated that they will attend the event.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 9:00 p.m.

CLARA R. JIMÉNEZ, MAYOR

HEIDI RIOJAS, CMC
EXECUTIVE ASSISTANT/DEPUTY CITY CLERK