

TOPPENISH CITY COUNCIL
Regular Meeting Minutes
January 13, 2014

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

ROLL CALL

Present: Mayor Loren Belton and Councilmembers Zachary Dorr, Clara Jiménez, Mark Oaks, Derald Ortloff, Randy Taylor, and Blaine Thorington.
Staff Present: City Manager William C. Murphy (CM Murphy), City Attorney Gary Cuillier, Finance Director/City Clerk Linda B. Mead (FD Mead), MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

SWEARING IN OF NEWLY ELECTED OFFICIAL

Deputy City Clerk Riojas administered the Oath of Office to newly elected Councilmember Derald Ortloff for Position #1 for the term of office from January 1, 2014 through December 31, 2017.

PUBLIC COMMENT

Jackie McMican, 511 South Toppenish Avenue, Toppenish, expressed her frustration with the change of mail delivery service for the South Toppenish residents by the Postal Service requiring them to have curbside mail delivery. Ms. McMican reported that Postmaster Rushing told her the dogs in the area endangering the safety of his staff is the cause for the change in mail delivery service for the South Toppenish residents.

City Manager Murphy (CM Murphy) responded that Police Chief Diaz provided him with a memo to summarize his discussion with Postmaster Rushing. CM Murphy recited that Postmaster Rushing stated that the roaming dog problem has improved; unfortunately, the loose dogs in the fenced yards are still an ongoing issue for his staff.

Simon Sampson, 512 South Alder Street, Toppenish, reported to Council his concerns with the legalization of marijuana. Mr. Sampson stated Kevin Sabet, the National Director for SAM, which is Smart Approaches to Marijuana, spoke to educators and students regarding the legalization of marijuana.

CM Murphy responded that the Washington State Liquor Control Board (WSLCB) has not received any applications for the production, processing, or sale of marijuana in the City of Toppenish. The Yakama Nation is on record that it opposes any of that activity within the boundaries of the Yakama Nation. CM Murphy stated that the WSLCB has adopted a rule that it will not authorize a license for any of those activities on Federal lands. The City has a moratorium pending until March 2014.

PRESENTATION BY GABRIEL PINON REGARDING FINANCE DEPARTMENT

Gabriel Pinon, 311 Chehalis Avenue, Toppenish, reported to Council on his concerns regarding the Finance Department not having a qualified Spanish-speaking employee available for the utility customers. Mr. Pinon acknowledged that he was speaking to Council as a means to stir the pot regarding the issue.

CM Murphy responded that the City has an interpreter available for the Toppenish Municipal Court, a translator is available to translate documents from English to Spanish, an interpreter is available at all Public Hearings, and the City Council meetings are broadcast in English and in Spanish.

Mayor Belton restated that during the December 9, 2013, Mr. Pinon was informed that the City encourages qualified Spanish-speaking applicants to apply for openings in the Finance Department. The City does not have an open position in the Finance Department at this time. Mr. Pinon agreed to send qualified Spanish-speaking applicants for future Finance Department openings.

CONSENT AGENDA

Councilmember Thorington moved, seconded by Councilmember Jiménez to approve Consent Agenda item a through l:

- a. Approve Minutes of the December 9, 2013 Regular Council Meeting.
- b. Approve Minutes of the January 6, 2014 Study Session.
- c. Receive November 2013 Budget Report and Update Memorandum Submitted by Finance Director/City Clerk Linda Mead.
- d. Approve Pay Estimate #3 to Scout Lake Construction, Inc. in the amount of \$148,587.60 with total retainage held in the amount of \$7,220.00 for the 2013 Water System Improvements Project that was paid with the October 14, 2013 Accounts Payable Vouchers – inadvertently not included on the Consent Agenda for the City Council meeting held on October 14, 2013.
- e. Approve Pay Estimate #4 to Rotschy, Inc. in the total amount of \$61,028.78 with retainage held in the amount of \$2,875.00 for the Well #9 Housing/Equipping Project.
- f. Approve Pay Estimate #2 to T. Bailey, Inc. in the amount of \$286,542.69 with retainage held in the amount of \$13,498.72 for the 1.7 MG Standpipe Water Reservoir No. 5 Project.
- g. Approve Pay Estimate #6 and Final Payment to Scout Lake Construction, Inc. in the amount of \$1,037.44 with total retainage held in the amount of \$50.41 for the 2013 Water System Improvements Project.
- h. Approve Payroll Checks Number 32471 through 32486 and EFTPR256-263 in the total amount of \$266,386.91 dated December 18, 2013.
- i. Approve Payroll Checks Number 32487 through 32505 and EFTPR264-270 in the total amount of \$177,576.71 dated January 6, 2014.
- j. Approve Claims Checks Number 78598 through 78714 and EFTAP112 in the total amount of \$182,908.17 dated December 23, 2013 and void Check Numbers 78577 through 78597.
- k. Approve Claims Checks Number 78715 through 78793 and EFTAP113 in the total amount of \$518,252.49 dated December 31, 2013 (Open Period) and void Check Number 78780.
- l. Approve Claims Checks Number 78794 through 78827 in the total amount of \$245,134.09 dated January 13, 2014.

Motion carried unanimously.

OLD BUSINESS

Release Retainage to Columbia Asphalt & Gravel, Inc. for the Washington Avenue Resurfacing Project in the Amount of \$7,318.39.

Councilmember Oaks moved, seconded by Councilmember Ortloff to approve Release of Retainage to Columbia Asphalt & Gravel, Inc. for the Washington Avenue Resurfacing Project in the amount of \$7,318.39. All Waivers have been received from Employment Security, Labor & Industries, and Department of Revenue. No Liens have been filed within the 60-day period. Motion carried unanimously.

NEW BUSINESS

Ordinance 2014-01:

Ordinance Adopting Model Traffic Ordinance.

CM Murphy reported that the proposed Ordinance is to adopt the specific provisions of the Washington Administrative Code for the Model Traffic Ordinance.

Councilmember Taylor moved, seconded by Councilmember Dorr to adopt Ordinance 2014-01, an Ordinance Adopting Model Traffic Ordinance. Motion carried unanimously.

Ordinance 2014-02:

Ordinance Establishing Restrictions on Grave Markers in Elmwood Cemetery by Amending Section 2.65.070 of the Toppenish Municipal Code.

CM Murphy reported that the proposed Ordinance is consistent with the discussion during the January 6, 2014 Study Session to prohibit painting of grave markers, to require approval by the Sexton before installing grave markers, and to prohibit photographs of a person in a deceased state on grave markers in Elmwood Cemetery.

Councilmember Thorington moved, seconded by Councilmember Oaks to adopt Ordinance 2014-02, an Ordinance Establishing Restrictions on Grave Markers in Elmwood Cemetery by Amending Section 2.65.070 of the Toppenish Municipal Code. Motion carried unanimously.

Ordinance 2014-03:

Ordinance Establishing Rules for Ownership, Transfer of Ownership, and Usage of Lots in Elmwood Cemetery.

CM Murphy reported that the proposed Ordinance is to establish rules for ownership, the transfer of ownership, and the usage of lots to maintain uniform alignment for grave markers that were discussed during the January 6, 2014 Study Session.

Councilmember Jiménez moved, seconded by Councilmember Taylor to adopt Ordinance 2014-03, an Ordinance Establishing Rules for Ownership, Transfer of Ownership, and Usage of Lots in Elmwood Cemetery. Motion carried unanimously.

Declare the 2013 Water System Improvements Project Complete and Begin the 60-Day Lien Process.

City Manager Murphy (CM Murphy) reported that Council received a copy of a letter from the City's Engineer, Huibregtse, Louman Associates, Inc., indicating that the project has been satisfactorily completed and recommending acceptance of the project and begin the 60-day lien process.

Councilmember Thorington moved, seconded by Councilmember Ortloff to Declare the 2013 Water System Improvements Project Complete and Begin the 60-Day Lien Process. Motion carried unanimously.

Set Agenda for the February 3, 2014 Study Session.

It was the consensus of Council to discuss the projects for the Parks and Recreation Department to list on the proposed grant application to the Recreation and Conservation Office.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Councilmember Ortloff reported that he attended the STEM Education Program Showcase at the Toppenish High School. The specialized program educates students on areas of science, technology, engineering, and math.

Councilmember Jiménez reported that she attended the Yakima Valley Conference of Governments (YVCOG) General Membership meeting on December 11, 2013 and that she was appointed to the YVCOG nomination committee.

Mayor Belton reported that he attended the YVCOG Executive Board Meeting and that the next YVCOG General Membership meeting will be January 15, 2014 in Wapato.

Mayor Belton recited a Proclamation to proclaim the week of January 19, 2014 through January 25, 2014 as Martin Luther King, Jr. Week.

CITY MANAGER REPORTS

CM Murphy had nothing to report.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:56 p.m.

LOREN BELTON, MAYOR

HEIDI RIOJAS, CMC
EXECUTIVE ASSISTANT/DEPUTY CITY CLERK