



**TOPPENISH CITY COUNCIL
REGULAR MEETING AGENDA
JUNE 28, 2021 – 7:00 P.M.**

TELEVISED LIVE ON MIDVALLEY TELEVISION
SPECTRUM CABLE CHANNEL 194

1. REGULAR SESSION CALL TO ORDER

Pledge of Allegiance/Roll Call/Welcome

2. APPROVE AGENDA

3. PUBLIC COMMENTS

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern, state your name, and address for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

4. CONSENT AGENDA

All matters on the consent agenda have been provided to each Councilmember for review and are considered to be routine or have been previously discussed and will be adopted by one motion and vote without discussion. However, if a Councilmember desires, any item on this agenda will be discussed before any action is taken on it.

- a. Approve Minutes of the June 14, 2021 Regular Council Meeting
- b. Approve Payroll Checks Number 35297 through 35307 and electronic transfers in the total amount of \$237,840.41 dated June 17, 2021
- c. Approve Claims Checks Number 93873 through 93936 and electronic transfers in the total amount of \$162,691.46 dated June 28, 2021

5. NEW BUSINESS

- a. AB 21-028: Ordinance 2021-05: Amending Toppenish Municipal Code Sections 13.48.040, 13.48.050, and 13.48.060

6. COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

7. CITY MANAGER REPORTS

8. ADJOURNMENT

NEXT COUNCIL MEETING WILL BE HELD ON JULY 6, 2021

**TOPPENISH CITY COUNCIL
Regular Meeting Minutes
June 14, 2021**

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

UPDATED MASK GUIDELINES

CC Riojas recited the City of Toppenish Updated Mask Guidelines to direct masks are required for unvaccinated and partially vaccinated individuals, and optional for fully vaccinated individuals.

ROLL CALL

Attendees: Mayor Mark Oaks, Mayor Pro Tem Elpidia Saavedra, and Councilmembers Loren Belton, Naila Duval, George Garcia, and Clara Jiménez.
Absent: Councilmember Juan Ceja.
Staff: Administrative Services Director Debbie Zabell (ASD Zabell), City Attorney Gary Cuillier, Public Works Superintendent Rocky Wallace (PWS Wallace), City Clerk Heidi Riojas (CC Riojas), and Cable Television Manager Judy Devall (CATV Devall).

CC Riojas conducted roll call for each City Councilmember to respond their attendance at the meeting. Mayor Oaks, Mayor Pro Tem Saavedra, and Councilmembers Belton, Duval, Garcia, and Jiménez responded their attendance during roll call. Councilmember Ceja was absent from the meeting.

APPROVE AGENDA

Mayor Pro Tem Saavedra moved, seconded by Councilmember Jiménez to approve the June 14, 2021 Agenda. Motion carried unanimously.

PUBLIC COMMENT

None.

CONSENT AGENDA

Councilmember Jiménez moved, seconded by Councilmember Garcia to approve Consent Agenda items a and d:

- a. Approve Minutes of the May 24, 2021 Regular Council Meeting
- b. Approve Minutes of the June 7, 2021 Study Session
- c. Approve Payroll Checks Number 35285 through 35296 and electronic transfers in the total amount of \$195,557.60 dated June 2, 2021
- d. Approve Claims Checks Number 93793 through 93872 and electronic transfers in the total amount of \$212,745.55 dated June 14, 2021 and void Electronic Transfer NREFTAP258

Motion carried unanimously.

PUBLIC HEARING

Public Hearing Regarding Adopting Six-Year Transportation Improvement Program for the Years 2022 through 2027: Presentation by Public Works Superintendent Rocky Wallace

Mayor Oaks opened the public hearing at 7:04 p.m.

PWS Wallace noted the public hearing was required for adoption of the Six-Year Transportation Improvement Program for years of 2022 through 2027. He discussed the 12 proposed projects that include: Jackson Street Extension Improvements, South Juniper Street and Jackson Street Improvements, the Mural Attraction Sidewalk Improvements, Asotin Avenue Improvements, South Toppenish Avenue Improvements, Idaho Street Extension, Fourth Avenue Reconstruction, King Lane Improvements, Fire Station Improvements, Police Station Improvements, Berger Lane, Adams Avenue, and Brooks Lane Roadway Improvements.

John Cerna, 510 South Juniper Street, and as the Toppenish School District Superintendent recited the letter he sent to Permit Services Coordinator Shaul documenting several reasons the District opposes the current design for the Jackson Street Extension to Ward Road. He noted previous safety concerns shared with City staff recommending the closure of the ramp off Highway 97 onto Ward Road. In addition, Mr. Cerna stated the participation of the Yakama Nation, as the adjoining property owner, in donating 15 feet of right of way on the South side of the proposed project. Without fulfilling the noted items for the safety of the students, parents, visitors, and staff, the District will not support the proposed project.

There being comments no further comment from the public, Mayor Oaks closed the public hearing at 7:19 p.m.

NEW BUSINESS

Resolution 2021-19: A Resolution Adopting the Six Year Transportation Improvement Program for the Years 2022 through 2027.

Councilmember Belton moved, seconded by Councilmember Duval to adopt Resolution 2021-19. Motion carried unanimously.

Resolution 2021-20: A Resolution of the City Council of the City of Toppenish, Washington Updating Fee Schedules A And B.

Mayor Pro Tem Saavedra moved, seconded by Councilmember Jiménez to adopt Resolution 2021-20. Motion carried unanimously.

Set Agenda for the July 6, 2021 Study Session.

ASD Zabell reported that the Office of Financial Management notified the City of its eligibility to receive Coronavirus Local Fiscal Recovery Funds from the Federal American Rescue Plan Act (ARPA). The City is forecasted to receive a total of \$2,459,014.00 over the next two years. During the discussion, Council inquired if funding for the swimming pool and recreation are eligible uses

of ARPA funds. ASD Zabell responded staff will look into the eligible ARPA uses and present proposed projects for Council to discuss and consider during the July 6, 2021 Study Session.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Mayor Pro Tem Saavedra had nothing to report.

Councilmember Belton had nothing to report.

Councilmember Duval encouraged the public to first call the Police Department to report theft, graffiti, and other public safety concerns. She also noted that a vaccination clinic will be available at Post Office Park in the afternoon on Wednesday, June 16, 2021.

Councilmember Garcia had nothing to report.

Councilmember Jiménez had nothing to report.

Mayor Oaks announced the upcoming Fourth of July weekend activities on Friday, July 2, 2021 and Saturday, July 3, 2021 to include the Toppenish Rodeo in the evenings on Friday and Saturday, and also in the morning on Saturday the Lions Club Breakfast will be available in Post Office Park and followed with the Chamber's Wild West Parade in the downtown.

CITY MANAGER REPORT

ASD Zabell had nothing to report on behalf of City Manager Hoyt.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:30 p.m.

MARK OAKS, MAYOR

HEIDI RIOJAS, CMC, CITY CLERK

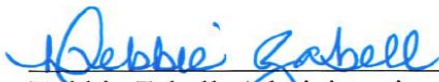
Payroll Check Register

Payroll for Period 6/1/2021 - 6/15/2021

Fund Number	Description	Amount
001-000-013	Executive	\$5,540.75
001-000-014	Finance, Record	\$19,385.05
001-000-017	Risk Management	\$5,269.25
001-000-018	Central Services, Personnel Services	\$5,980.58
001-000-021	Law Enforcement	\$62,469.39
001-000-022	Fire Services	\$36,618.19
001-000-024	Protective Inspections	\$1,826.99
001-000-058	Planning and Community Development	\$456.76
001-000-076	Pool, Park Facilities	\$6,015.19
030-000-021	Criminal Justice Fund	\$24,250.23
101-000-000	Street Fund	\$4,179.00
108-000-000	Cemetery Fund	\$5,120.62
401-000-000	Water Fund	\$18,565.09
403-000-000	Wastewater Fund	\$22,687.83
405-000-000	Solid Waste Fund	\$14,913.93
457-000-000	Cable TV Fund	\$4,561.56
Grand Total		\$237,840.41

Payroll Checks 35297 - 35307 and Electronic Transfers.

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.


Debbie Zabell, Administrative Services Director

June 17, 2021

Date

Accounts Payable Check Register

June 28, 2021

Number	Vendor Name	Account Description	Amount
93873	Castaneda, Ryan	Travel	\$154.00
93874	Perry, Chris	Travel	\$154.00
93875	Amazon Capital Services	Office & Operating Supplies	\$286.78
		Operating/Maintenance Supplies - General	\$20.22
		Operating/Maintenance Supplies - Traffic Control Devices	\$89.85
		Check Total:	\$396.85
93876	Bleyhl Farm Service, Inc.	City Utility Services	\$32.00
		Electricity	\$228.00
		Leases	\$2,300.00
		Check Total:	\$2,560.00
93877	BORArchitecture, PLLC	Professional Services - Capital	\$2,362.50
93878	Burrows Tractor Inc.	Operating/Maint. Supplies - Vehicles	\$669.11
93879	Calibre Press	Memberships & Registrations	\$495.00
93880	Cascade Natural Gas Corp.	Fuel for Heating	\$58.15
		Fuel for Heating - Fire	\$56.34
		Fuel for Heating - Library	\$14.60
		Fuel for Heating - Police	\$79.86
		Fuel for Heating - Streets	\$41.17
		Fuel for Heating - Swimming Pool	\$14.60
		Check Total:	\$264.72
93881	CenturyLink Communications, Inc.	Telephone	\$72.16
93882	Chandler Distributing Co. Inc.	Fuel Vehicles	\$7,452.67
		Fuel Vehicles - Street Sweeper	\$320.10
		Fuel Vehicles - WWTP	\$358.76
		Check Total:	\$8,131.53
93883	Cintas Corporation #605	Rentals	\$72.78
		Uniform Cleaning	\$199.92
		Check Total:	\$272.70
93884	City of Sunnyside - Finance Dept.	Medical Services	\$22.63
93885	City of Toppenish	Sewer System Imp - Engineering	\$250.00
93886	Conley Engineering, Inc.	Professional Services	\$1,334.60
93887	Elwood Staffing Services, Inc.	Professional Services	\$2,376.84
93888	Garza, Antonio & Annabel	Sewer Sales Residential	\$75.70
		Solid Waste Services	\$19.47
		Water Sales Residential	\$71.22
		Check Total:	\$166.39
93889	Gray & Osborne, Inc.	Sewer System Imp - Engineering	\$55,205.74
93890	H.D. Fowler Company	Operating/Maintenance Supplies - General	\$1,989.78
93891	HLA Engineering and Land Surveying, Inc.	Jackson Street - Eng Services	\$2,740.03
		Professional Services	\$9,111.50
		Professional Services - Capital	\$17,883.50

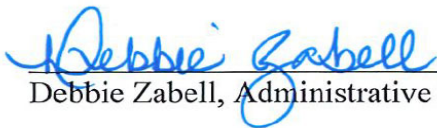
Number	Vendor Name	Account Description	Amount
		Professional Services - Engineering Plan Review	\$720.00
		Water Meter Replacement Project - Engineering	\$1,417.00
		West First Ave Sidewalk Improvements - Engineering	\$3,159.59
		Check Total:	\$35,031.62
93892	J.P. Cooke Company	Office & Operating Supplies	\$106.30
93893	Johnson Controls Security Solutions LLC	Alarm Monitoring	\$542.27
93894	JSR Furniture Company	Professional Services	\$1,225.00
93895	Kruse, Peter	LEOFF Out Pocket Medical	\$1,735.20
93896	Marney Electric, LLC	Repair & Maintenance Equipment	\$955.39
93897	Menke Jackson Beyer, LLP	Legal Services	\$44.02
93898	Monzingo, Joseph P & Janay L	Sewer Sales Residential	\$82.51
		Solid Waste Services	\$21.21
		Water Sales Residential	\$144.87
		Check Total:	\$248.59
93899	Municipal Emergency Services Inc.	Personal Protective Equipment	\$190.08
		Uniforms & Clothing	\$135.00
		Check Total:	\$325.08
93900	Musgrave, Daniel N	Memberships & Registrations	\$102.00
93901	Office Depot Card Plan	Office & Operating Supplies	\$17.25
93902	O'Reilly Auto Parts	Operating/Maintenance Supplies - Vehicles	\$37.18
93903	Pacific Alliance Title	Solid Waste Services	\$21.90
		Water Sales Residential	\$26.62
		Check Total:	\$48.52
93904	Pacific Northwest Emergency Equipment Co. DBA General Fire Apparatus	Small Tools & Minor Equipment	\$613.44
93905	Pacific Office Automation	Rentals	\$126.37
93906	Pacific Office Automation Inc	Rentals	\$321.84
93907	Pacific Power & Light Co.	Electricity - City Hall	\$289.28
		Electricity - Fire	\$426.44
		Electricity - Police	\$566.58
		Electricity - Swimming Pool	\$142.12
		Lift Station Electricity	\$54.73
		Check Total:	\$1,479.15
93908	Pacific Power & Light Co.	Electricity	\$7,316.42
		Electricity - Cemetery	\$296.76
		Electricity - Parks	\$202.56
		Electricity - Street Lights	\$3,913.00
		Electricity - Traffic Signals	\$279.53
		Lift Station Electricity	\$605.76
		WWTP Electricity	\$6,715.86
		Check Total:	\$19,329.89
93909	Paul Deccio Installations	Service Repair/Maintenance Vehicles	\$550.80
93910	Pitney Bowes Global Financial Services	Rentals	\$460.94

Number	Vendor Name	Account Description	Amount
93911	Powerplan - OIB	Operating/Maintenance Supplies - Vehicles	\$25.12
93912	Rathbun Iron Works Inc.	Operating/Maintenance Supplies - Vehicles	\$42.62
		Service Repair/Maintenance - Fire Dept Building	\$259.19
		Check Total:	\$301.81
93913	Ruggles Auto Repair, Inc	Service Repair/Maintenance Vehicles	\$296.20
93914	Standard Paint & Flooring LLC	Operating/Maintenance Supplies - Traffic Control Devices	\$270.52
93915	Sunnyside Sun	Advertising	\$101.51
93916	Symbolarts	Uniforms & Clothing	\$699.57
93917	The Janitor's Closet	Janitorial Services - Police Department	\$371.00
		Operating/Maint. Supplies	\$26.16
		Check Total:	\$397.16
93918	The Lockshop	Office & Operating Supplies	\$58.86
93919	Tobia, Brandon James	Memberships & Registrations	\$58.00
93920	Tri-Valley Constructiion, Inc.	Professional Services - Capital	\$486.00
93921	Valley Ford	Service Repair/Maintenance Vehicles	\$46.48
93922	Verizon Wireless	Telephone	\$1,726.69
		Telephone - Utility Billing	\$41.68
		Check Total:	\$1,768.37
93923	Vision Forms, LLC.	Postage	\$1,161.62
		Professional Services	\$589.43
		Check Total:	\$1,751.05
93924	WA ST Criminal Justice Training Commission	Memberships & Registrations	\$900.00
93925	WA St Dept of Licensing	Weapon Permit - DOL License	\$72.00
93926	WA St Dept of Transportation	Repair & Maintenance Equipment - Traffic Control Devices	\$182.00
93927	Walker Car Wash Inc.	Operating/Maint. Supplies - Vehicles	\$18.00
		Operating/Maintenance Supplies - General	\$14.00
		Service Repair/Maintenance Vehicles	\$114.00
		Check Total:	\$146.00
93928	Wapenish Sand & Gravel	Operating/Maintenance Supplies - General	\$1,107.98
93929	Washington State Treasurer	Death Investigation Account	\$63.32
		Highway Safety Account	\$301.68
		Judicial Information Services	\$1,746.58
		School Zone Safety	\$37.33
		State General Fund 40	\$4,569.07
		State General Fund 50	\$2,546.63
		State General Fund 54	\$65.97
		State Patrol Highway Account	\$359.19
		Trauma Care	\$222.82
		Traumatic Brain Injury Account	\$165.62
		WA Auto Theft Prevention Authority Act	\$446.36
		Check Total:	\$10,524.57
93930	Weinmann, Gene E.	Postage	\$2.75
		Professional Services	\$1,800.00

Number	Vendor Name	Account Description	Amount
		Check Total:	\$1,802.75
93931	Wells Fargo Vendor Fin Serv	Photocopies	\$54.34
		Rentals	\$369.19
		Check Total:	\$423.53
93932	Wells Fargo Vendor Fin Serv	Rentals	\$223.22
93933	Yakima County Auditor	Sewer System Imp - Construction	\$105.50
93934	Yakima County Department of Corrections	Corrections Services Yakima County	\$538.93
93935	Yakima County GIS	Professional Services	\$58.00
93936	Yakima County Treasurer	County Crime Victims	\$166.93
	Grand Total		\$162,691.46

Accounts Payable Checks 93873 - 93936

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.



Debbie Zabell, Administrative Services Director

June 23, 2021



**CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 21-028**

Meeting Date: June 28, 2021

Subject: Amending Toppenish Municipal Code Sections 13.48.040, 13.48.050 and 13.48.060

Attachments: Ordinance 2021-05

Prepared by: Victor Shaul, Permit Coordinator

Presented by: Victor Shaul, Permit Coordinator

Approved for Agenda By: Lance Hoyt, City Manager

Discussion:

The city's sewer code was first established in 1912 and the water code was established in 1930. These codes were separate chapters within the Toppenish municipal code. Ultimately, the individual water and sewer chapters were combined and codified as Title 13 TMC - Water and Sewers. When this occurred, the original language was retained in the sections concerning the violations of the sewer code. This created an incorrect inference that they applied to the entire Title 13 TMC.

Similarly, the section allowing a civil penalty for the violation of the sewer code was inconsistent with that of the water code sections contained within the same title of the municipal code. The process and monetary penalty for violation need to be consistent within the same title. Further, the classification of the violation of the sewer code as punishable as a civil penalty is consistent with the legislative finding of the City Council as delineated in Section 2.90.005 TMC.

This ordinance corrects the oversight; making the violation of the sewer code specific to the sewer code sections and assesses a civil penalty for violation of such.

Fiscal Impact: None.

Recommendation: Motion to adopt Ordinance 2021-05, Amending Sections 13.48.040, 13.48.050, and 13.48.060 of the Toppenish Municipal Code.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.

ORDINANCE 2021-05

**AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON TO
AMEND SECTIONS 13.48.040, 13.48.050, AND 13.48.060 OF THE
TOPPENISH MUNICIPAL CODE CONCERNING PENALTIES AND
VIOLATIONS OF THE CITY'S SEWER CODE**

WHEREAS the Toppenish Municipal Code provides for penalties for violations of the city's water and sewer codes, and

WHEREAS the water and sewer codes were originally codified as separate chapters in the Toppenish Municipal Code, and

WHEREAS when the separate water and sewer chapters were combined into a single title within the Toppenish Municipal Code the penalties for violation of the sewer codes were not made specific to those chapters, and

WHEREAS the protection of the city's sewer system is deemed as equally vital as protecting the city's water system and the monetary penalty and process for violation of the sewer code should be the same as it is for the water code, and

WHEREAS City staff recommends clarifying the language concerning the violation of the city's sewer code,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TOPPENISH WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Sections 13.48.040, 13.48.050 and 13.48.060 of the Toppenish Municipal Code are hereby amended to read as follows:

13.48.040 Violation – Time for correction.

Any person found to be violating any provision of ~~the ordinance codified in this chapter~~ ~~except~~ Chapters 13.28 through 13.40 ~~13.42~~ TMC shall be served by the city with written notice stating the nature of the violation and providing a five-calendar-day time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

13.48.050 Continuing violation – Penalty.

Any person who continues any violation beyond the time limit provided for in ~~TMC~~ Chapter 13.48.040 TMC shall be ~~guilty of a misdemeanor~~ liable to the city for a civil penalty, and on conviction thereof shall be fined in the amount not exceeding \$300.00 for each violation. The amount of such civil penalty shall be a maximum of \$2000 per violation. Each day in which any violation continues shall be deemed a separate offense. The penal provisions imposed under this chapter shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

13.48.060 Liability for loss by the city.

Any person violating any of the provisions of ~~the ordinance codified in this chapter~~ Chapters 13.28 through 13.40 TMC shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation.

Section 2. This ordinance shall become effective five (5) days after a publication of a summary thereof.

PASSED by the Toppenish City Council at its regular meeting held on June 28, 2021.

MARK OAKS, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM

GARY M. CUILIER, City Attorney