

City of Selah
Council Minutes
April 22, 2014

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Gawlik called the meeting to order at 6:30pm.

B. Roll Call

Members Present: Paul Overby; John Tierney; Dave Smeback; Allen Schmid; Roy Sample; Jane Williams

Members Excused: Brooke Finch

Staff Present: David Kelly, City Administrator; Bob Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Rick Hayes, Police Chief; Gary Hanna, Fire Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Charlie Brown, Recreation Manager; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Council Member Tierney led the Pledge of Allegiance. Pastor Brad Hill led the opening prayer.

D. Agenda Changes

1. Added to Agenda:

a. Executive Session Q – 1: 10 Minute Session – Property Acquisition RCW 42.30.110(1)(b)

E. Public Appearances/Introductions/ Presentations **None**

F. Getting To Know Our Businesses **None**

G. Communications

1. Oral

Mayor Gawlik opened the meeting. Seeing no one rise to speak, he then closed the meeting.

2. Written **None**

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Sample requested that M – 1 be removed from the Consent Agenda.

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Minutes: April 8, 2014 Council Meeting
- * 2. Approval of Claims & Payroll:

Payroll Checks Nos. 77332 – 77420 for a total of \$191,667.80
Claim Checks Nos. 63703 – 63723 for a total of \$ 318.08
Claim Checks Nos. 63724 – 63789 for a total of \$237,107.38

Council Member Tierney moved, and Council Member Williams seconded, to approve the Consent Agenda as read. By voice vote, approval of the Consent Agenda was unanimous.

J. Public Hearings **None**

K. New Business

- 1. Adding a part time employee to facilitate cross training

City Administrator Kelly addressed K – 1. He said that the City has two critical employees who do accounts payable and utility billing and he would like to have them cross-trained to learn each other's positions. He went on to say that he would like to hire a part-time person to work from 10am to 2pm each day, which would allow for coverage to cross-train and cover lunches. He noted that that the funding sources would be 30% from the water fund, 30% from the sewer fund, 20% from the solid waste fund, and 20% from the general fund. He felt that this is something that needs to be done and that it will allow the City to be more careful and more prepared for the unseen.

Council Member Schmid agreed with the request, saying that he has been around for over twenty years and this is the first employee added to the City hall staff to help offset the workload. He noted that the City has grown over the last 20 years, and will continue to grow, and they need to look to the future and ensure adequate staffing to take care of people for services they provide. He stated that he supports the request 100%.

Council Member Tierney wondered if it would be an hourly or salaried position.

City Administrator Kelly responded that it would be an hourly position for a half-time person, with half-time benefits if they chose, although the individual would pay a portion from their wages for benefits.

Council Member Tierney asked what the hourly wage would be.

City Administrator Kelly replied that the range would be from \$13.30 to \$17.00.

Council Member Smeback inquired when the cross training would be completed and that half-time person let go.

City Administrator Kelly responded that this is also an opportunity for the City transition the individual from part-time to full-time down the road if another person were to retire or move on to a good opportunity.

Council Member Tierney asked if Clerk/Treasurer Novobielski would oversee the training.

City Administrator Kelly replied in the affirmative, saying that the individual will work for Clerk/Treasurer Novobielski and he will orchestrate their training.

Mayor Gawlik remarked that he has seen growth in the City over the last thirty plus years, along with an increase in tasks that go along with it, and that part of the City's responsibility is to provide proper service to its citizens.

Council Member Smeback moved, and Council Member Schmid seconded, to approve adding a part time employee to facilitate cross training. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.

L. Old Business None

M. Resolutions

1. Resolution Establishing May 13, 2014 as the Date to Conduct a Public Hearing regarding the Renewal of a Six Month Moratorium for an additional Six Month Moratorium on the filing of Applications for Development Permits and Licensing for the Production, Processing, or Dispensing of Cannabis or Cannabis Products within the City limits

Community Planner Davison addressed M – 1. He said that Council voted to adopt an Ordinance extending the six month moratorium on April 8th, and that by statute a public hearing must be held within sixty days of adopting a moratorium. He stated that this Resolution schedules a public hearing to allow the public to discuss the moratorium extension.

Mayor Gawlik commented that he was under the impression that the Planning Commission will hold a public hearing on the matter.

Community Planner Davison responded that the Planning Commission will hold a hearing on the Ordinance, but extending the moratorium requires that Council hold a hearing on the extension itself.

City Attorney Noe remarked that statute requires a public hearing be held within sixty days after a moratorium is put in place to allow for discussion on whether the moratorium will remain in place.

Council Member Sample wondered how many public hearings the Council would need to hold on the subject, as he doesn't want to do it to death.

Community Planner Davison said that a hearing in the extension would be scheduled for May 13th; the Planning Commission will have a hearing in May regarding the Ordinance and transmit their findings to Council with their proposed Ordinance.

Mayor Gawlik recommended that Community Planner Davison make sure that the Planning Commission hearing is well advertised and scheduled for a time where it can address the majority who wish to attend.

Community Planner Davison responded will be in the paper, possibly in the Yakima Valley Business Times, and on the City reader boards.

Council Member Overby suggested moving the moratorium hearing to the second meeting in May.

Council Member Williams remarked that, if this is only for the moratorium extension, it should be part of the next regular Council Meeting, adding that she doesn't see a problem with it since the City already has an Ordinance in place to extend the moratorium.

Community Planner Davison commented that it would still need to be advertised.

Council Member Tierney moved, and Council Member Sample seconded, to approve the Resolution Establishing May 13, 2014 as the Date to Conduct a Public Hearing regarding the Renewal of a Six Month Moratorium for an additional Six Month Moratorium on the filing of Applications for Development Permits and Licensing for the Production, Processing, or Dispensing of Cannabis or Cannabis Products within the City limits. Roll was called: Council Member Overby – no; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. Motion passed with five voting yes and one voting no.

2. Resolution Authorizing the Mayor to Sign the Gravrock Outside Utility Agreement

Community Planner Davison addressed M – 2. He briefly reviewed the Gravrock Outside Utility Agreement (OUA) included in the packet, noting that the proponents have already signed it. He commented that they are only requesting a sewer hookup at this time.

Council Member Schmid didn't like that they only wanted sewer, adding that he feels they should do both and give the well output amount to the City for their resources. He asked if they have signed the property covenant.

Community Planner Davison replied in the negative.

Council Member Schmid said that he doesn't like giving an OUA to them without a signed property covenant.

Community Planner Davison responded that he would record the OUA once the Mayor signs it. He remarked that if Council wants to include the water rights he could take it back to the proponent to discuss and request that he modify it to be brought back to Council.

Council Member Overby requested that he explain the importance of changing the property address.

Community Planner Davison responded that Driscoll is a mishmash right now and that the Fire Department suggested that the address be changed for emergency services. He noted that, if the street continues up the hill, that this is a logical extension of 16th Street; the existing road is recognized on the County's map but is entirely a private road.

Council Member Sample asked if the well is just local at his house.

Community Planner Davison answered in the affirmative, saying that the property used to be owned by a farmer who may have watered the orchard from either the well or irrigation shares.

Council Member Sample inquired what the well is used for.

Community Planner Davison replied that it is used for a single-family residence.

Council Member Sample remarked that it is a good-sized parcel of land. He wondered if a new agreement would have to be done if the owner decided to subdivide it.

Community Planner Davison responded that the agreement is for the existing residence; any subdivision request would go to Yakima County, and they would contact the City at that time.

Council Member Schmid asked if he has talked to them regarding annexation.

Community Planner Davison replied that they don't wish to annex at this point in time.

Council Member Schmid asked why.

Community Planner Davison responded that no reason was given; he anticipates a future annexation and subdivision request on the property to the west, once the subdividing limitation has expired.

Council Member Schmid stated that he thinks they ought to annex into the City.

Council Member Tierney agreed.

Council Member Schmid said that the property abuts the City boundary; they should join the City and be part of the community.

Council Member Smeback moved, and Council Member Overby seconded, to approve Resolution Authorizing the Mayor to Sign the Gravrock Outside Utility Agreement. Roll was called: Council Member Overby – yes; Council Member Tierney – no; Council Member Smeback – yes; Council Member Schmid – no; Council Member Sample – yes; Council Member Williams – no. Motion tied with three yes votes and three no votes. Mayor Gawlik cast the deciding vote against approval of the Resolution. Motion failed with three yes votes and four no votes.

3. Resolution Authorizing the Mayor to Sign an Interlocal Agency Agreement with Yakima County for the Right-of-Way Acquisition Services

Public Works Director Henne addressed M – 3. He said that there are a couple projects coming up with some minimal amount of right of way, and that he would like to contract with the Yakima County right of way department to facilitate acquisition for two projects. He added that he would like to have a contract in place for five years.

Council Member Schmid moved, and Council Member Tierney seconded, to approve the Resolution Authorizing the Mayor to Sign an Interlocal Agency Agreement with Yakima County for the Right-of-Way Acquisition Services. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.

N. Ordinances **None**

O. Communications

1. Oral

Mayor Gawlik opened the meeting.

Jerod Azuna approached the podium and addressed the Council. He expressed some confusion regarding the medical cannabis issue, saying that it seems more driven towards recreational. He remarked that he is also looking for a copy of moratorium.

City Attorney Noe responded that the moratorium in place addresses both medical and recreational cannabis. He handed Mr. Azuna a copy of the moratorium.

Mr. Azuna asked for confirmation that the next meeting will address both.

Mayor Gawlik responded in the affirmative.

Seeing no one else rise to speak, Mayor Gawlik closed the meeting.

P. Reports/Announcements

1. Mayor

Mayor Gawlik stated that the Fire Department would be conducting an open house on April 23rd at all four stations. He noted that this is open to the public and encouraged the Council Members to attend.

2. Council Members

Council Member Overby had no report.

Council Member Sample had no report.

Council Member Tierney wondered if anything was done regarding a letter to Planning Commission on expediting their action on the marijuana issue.

City Administrator Kelly replied in the negative, adding that he did receive a suggested time frame to get things finished. He read aloud the proposed timeline, noting that it is a best-case scenario, and that if more issues come up it could take longer.

Council Member Smeback had no report.

Council Member Williams expressed her thanks to Police Chief Hayes, Officer Gabbard and the other officers who put on the citizens academy, adding that herself and her husband had a great time. She stated that she has more respect for law enforcement for what they go through.

Council Member Schmid had no report.

3. Departmental

Fire Chief Hanna left the meeting to answer a call.

Police Chief Hayes said that Jerald Smith was promoted to Sergeant on April 1st, adding that he is doing a great job. He commented that the newest officer will be graduating from the academy in June; the other officer is back from the academy and has six weeks left in the field training program. He stated that their new cars are in the state and will be fitted with equipment before delivery. He noted that they will be doing emergency vehicle service training on May 2 and May 30 this year, although there will be no high speed training this time around.

Council Member Tierney asked that he list the dates again.

Police Chief Hayes reiterated that the training will be on May 2 and May 30, and asked that Council Members contact him if want to go. He noted that the citizens academy students will graduate this Thursday, and that the program is going well. He talked briefly about the permit for the Community Days parade and the need for proof of insurance to get approval for the permit. He invited everyone to the River Ridge Golf Course on May 3rd for a golf tournament for the Chief for a Day program, noting that this is for the cities of Selah, Yakima and Wapato.

Council Member Tierney asked about the cost for the tournament.

Police Chief Hayes responded that he doesn't know off hand but can get a flyer for him. He added that the information is available on both the Friends of the Selah Police Department Facebook page and the Chief for a Day Facebook page.

City Administrator Kelly requested that he send an email to the Council Members.

Recreation Manager Brown thought that the cost was \$65 per person of \$260 per team.

Mayor Gawlik wondered if it was scramble format.

Police Chief Hayes stated that he would get the flyer to Council.

Recreation Manager Brown said that the ball fields are well underway for summer use; they are in use this weekend with scheduled tournaments. He commented that they had five hundred kids and three thousand eggs for the egg hunt last weekend, and that there will be a bazaar held at the Civic Center on May 3rd.

Council Member Smeback wondered who was hosting the big ball tournament.

Recreation Manager Brown replied that GYGSA, the Sports Forum, and the Selah High boys and girls teams all have games.

Council Member Smeback asked if Eddie Allen from the Sports Forum rented fields.

Recreation Manager Brown responded in the affirmative, saying that they have six or seven tournaments this year.

Council Member Smeback inquired if it was Woods Field they rented.

Recreation Manager Brown responded in the affirmative.

Council Member Smeback wondered how much they paid for using the facility.

Recreation Manager Brown replied that the fee is \$350 per day plus maintenance, and that they are scheduled for nine games out there.

City Administrator Kelly noted that the maintenance fee is \$225.

Council Member Smeback asked how they rectify the field damage after it has been used.

Recreation Manager Brown City responded that the City grounds crew would be there to make sure it is raked. He said that he knows one issue was kids hanging off the batting cages, and that he has made it clear that if kids hang on them the City will no longer rent fields to them.

Council Member Smeback inquired if all nine games will be played on Woods Field.

Recreation Manager Brown replied that the high school team would use the field for one game on Saturday and four on Sunday.

Council Member Smeback asked if any of the tournament teams were from Selah.

Recreation Manager Brown responded that they are from all over.

Council Member Smeback wondered if there was a higher fee for out of towners.

Recreation Manager Brown responded in the negative, saying that they just charge the tournament fee for use of the facilities.

City Administrator Kelly noted that the rental fee for Carlon Park is \$550 for four fields, while the rental for Woods Field is \$350.

Council Member Smeback asked if staff followed up at the end of an event to get an idea of what cleanup was done.

Recreation Manager Brown replied that they have people out after each game to check and assess.

Clerk/Treasurer Novobielski said that April property tax receipts show a significant improvement over the lower than normal receipts in March.

Community Planner Davison stated that he is swamped at present and more keep coming in.

Council Member Smeback expressed his confusion of the action taken earlier regarding the OUA and wondered if the Ordinance had changed to require that people annex at the time they are granted an OUA.

Community Planner Davison responded in the negative.

Council member Smeback asked for confirmation that the City has never required this.

Community Planner Davison said that it is an option they encourage, but not a requirement.

Council Member Smeback noted that the proponent is requesting a sewer hookup only at this time.

Community Planner Davison remarked that, because of the proponent's expansion, the Health Department said that they would need to either enlarge their septic system or hook up to the City's sewer line. He wondered why the Council and Mayor would vote no on this particular property.

Mayor Gawlik stated that he firmly believes they should annex in.

Council Member Smeback asked why not have the Ordinance state that if that is what the majority of Council would like to see.

Council Member Sample agreed with Council Member Smeback.

Council Member Schmid commented that the majority of people coming to the City for an OUA haven't been requesting it for a property abutting City property.

Council Member Smeback said that the Ordinance spells out in writing the steps to take to request an OUA.

Council Member Schmid noted that the Ordinance doesn't say they have to annex, adding that in his personal view if the property is abutting the City they should annex in if they want services.

Council Member Smeback responded that the City is already charging 150% of the City rate and requiring documentation to record against the deed that will force them to annex at a later date.

Council Member Schmid wondered why not have them annex now.

Council Member Smeback asked why they should.

Council Member Tierney stated that it would be cheaper to annex now.

Council Member Schmid commented that our taxes are cheaper than living in the County.

Council Member Smeback said that if Council is going to dictate to them they need change the Ordinance to reflect that.

Council Member Tierney observed that they are all outside the City limits and not abutting them.

Council Member Sample commented that some are on Goodlander.

Council Member Tierney noted that those properties are not abutting the City limits.

Council Member Sample remarked that they should talk about it if they are going to change City policy.

Council Member Schmid said it was not changing policy.

Council Member Smeback felt that he was playing with words, adding that City staff went through the procedure and that Council decided to do something different.

Council Member Schmid said that he has been preaching that for as long as he's been there.

Council Member Smeback suggested that they change the Ordinance if they want to require annexation in these circumstances.

Council Member Schmid commented that today was the first time day other people felt that way and voted accordingly.

Council Member Overby felt that this is a quasi-judicial decision.

City Attorney Noe responded that it isn't a typical one; the matter is not coming before Council as a hearing body. He noted that he hasn't looked at the Ordinance in a long time and that he will review it.

Council Member Overby agreed with Council Members Smeback and Sample, adding that the Ordinance doesn't say if the proponent's property abuts City property that they must annex.

Council Member Tierney stated that Council has the authority and privilege to add additional requirements, and that what they did tonight was to say no because some prefer to see them annex into the City.

Council Member Smeback wondered if the City required them to hook up to water and sewer at the same time.

Community Planner Davison replied that the OUA is for both but they only wish to do sewer at this time.

Council Member Smeback said that, when one forces people to annex in a situation like this it creates bits and pieces around the City limits; a good annexation is taking blocks in at a time.

City Administrator Kelly commented that this would be an opportunity to chat and talk through the matter; they could have a study session with City Attorney Noe, Community Planner Davison and himself to talk through the issue and figure out what Council wants to do. He noted that this would allow staff to help citizens to understand what the City wants them to do for OUAs in the future.

Council Member Sample observed that the previous administration opted to have no additional OUAs for a period of time.

Council Member Smeback has good point re how irregular re City boundaries

Council Member Williams liked the idea of having a study session to look at the matter. She felt that one priority should be the City's water situation, and that it is a good time to look at it as the proponent could come back and ask for water at a later date.

Community Planner Davison responded that they have their own water supply.

Council Member Williams said that, if they agreed to it and had a water issue, then that should be taken into consideration. She commented that it is a good idea to have a study session on the matter.

Council Member Smeback remarked that the City has professional staff in the Public Works and Planning departments who review these and check on them, and that he has a hard time with Council Members going willy-nilly on this.

Council Member Williams felt that it was important to remember that the Council has the right to review and agree, not agree or amend any OUA requests.

Council Member Smeback commented that, as it wasn't amended, there is nothing for him to take to the proponent.

Public Works Director Henne said that one of the new hires started last Monday, and the other individual starts tomorrow. He noted that there would be a potluck and open house on May 6th for Diana Turner. He informed Council that Bartlett Avenue has been paved and is now open. He noted that he would be asking for acceptance of the project and a 60-day period of checking. He went on to say that the Goodlander reservoir is currently offline and empty and they are using the Valhalla reservoir in its place. He gave a brief update on the booster project, noting that most of the pipe is not connected yet, and that door hangers will be going out tomorrow to those homes that will be affected by the water shut-off. He remarked that the high school addition is almost complete; they have all of the outside improvements done, the sod laid down, and have repaired the damaged sidewalks. He noted that over 50 requests for underground locates have come in over the last week.

Mayor Gawlik inquired about the job ad in Sunday's paper.

Public Works Director Henne said that there was an ad in Sunday's paper for a Wastewater Treatment Plant (WWTP) mechanic to replace the individual transferring from the WWTP to utilities. He commented that he will be bringing the preliminary design plans for the Valleyview/Third/Southern Avenue project soon, and that he would like a consensus from Council on what they want the road section to look like.

Council Member Tierney remarked that bikes are not supposed to be on sidewalks.

Public Works Director Henne replied that State laws changed seven or eight years ago and it is now legal for bikes to use the sidewalk. He noted that the preliminary design plans would likely be brought to Council in June.

Council Member Tierney wondered if he'd talked to Matson Fruit about their trucks.

Public Works Director Henne responded that he mentioned it to one of the foremen and also that he has been keeping an eye out as well. He commented that he hasn't seen anything yet.

City Administrator Kelly informed the Council that the City currently has approximately eleven computers running on Windows XP. He said that, while Microsoft no longer supporting it, Yakima IT has numerous computers in various departments currently running on Windows XP and they will continue to support it. He noted that most of the computers running Windows XP are older and will be replaced within the next one to two years.

City Attorney Noe had no report.

Council took a ten minute recess.

4. Boards **None**

Q. Executive Session

1. 10 Minute Session – Property Acquisition RCW 42.30.110(1)(b)

Council went into Executive Session at 7:51pm. At 8:01pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Council Member Schmid moved, and Council Member Smeback seconded, to authorize the Mayor to sign the Resolution expressing the City of Selah City Council's intent to acquire real property for public use and necessity and expressing the City Council's intent to utilize the City's power of eminent domain to condemn the property if necessary. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.

R. Adjournment

Council Member Williams moved, and Council Member Tierney seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 8:02pm.



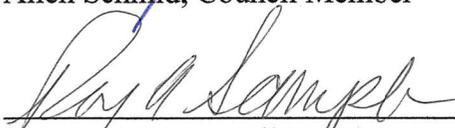
John Gawlik, Mayor



John Tierney, Council Member

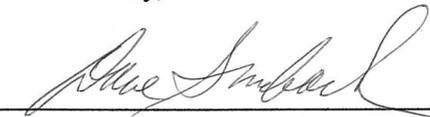


Allen Schmid, Council Member



Roy Sample, Council Member

Paul Overby, Council Member



Dave Smeback, Council Member

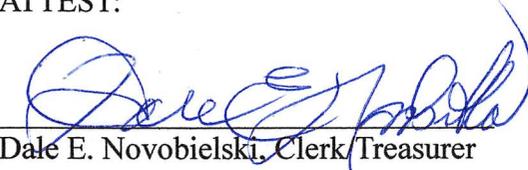
EXCUSED

Brooke Finch, Council Member



Jane Williams, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer