

Study Session Minutes
Selah City Council
April 28, 2015
6:00pm

Mayor Gawlik opened the Study Session.

Recreation Manager Brown gave a PowerPoint presentation on the trip he and Public Works Utility Foreman Jones took to the factory where they make the inclusive playground equipment, which included a visit to a park with one of the playgrounds and the opportunity to test it and watch a young girl play on it. He informed the Council that they have met the match amount needed for the park, and will be doing a development plan the following week.

Assistant to the City Administrator Potter gave an update on the progress towards a new pool. He stated that they have a committee working on the project, and that they plan to present some options to the public during Community Days. He added that they are continuing to work on the concept, and will bring additional information to Council as it becomes available.

A brief discussion on the two presentations followed.

The Study Session ended at 6:26pm.

City of Selah
Council Minutes
April 28, 2015

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:

Staff Present: Joe Henne, Interim City Administrator; Bob Noe, City Attorney; Gary
Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Rick Hayes, Police
Chief; Dale Novobielski, Clerk/Treasurer; Charles Brown, Recreation
Manager; Tom Durant, Community Planner; Andrew Potter, Assistant to
the City Administrator; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Police Chief Hayes led the Pledge of Allegiance. Pastor Jason Williams gave the prayer.

Mayor Gawlik read aloud the resignation letter submitted by Council Member Finch, effective as of
April 24, 2015.

D. Agenda Changes

Add to Agenda:

1. New Business K – 2: Selection of a Mayor Pro Tempore
2. Executive Session P – 1: 10 Minute Session – Evaluate a complaint or charge brought
against a public officer or employee RCW 42.30.110 (f)

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

a. Selah Downtown Association Quarterly Report

H. Proclamations/Announcements **None**

I. 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 14, 2015 Council Meeting
- * 2. Approval of Claims & Payroll:
Claim Checks Nos. 65643 – 65719 for a total of \$178,323.49
- * 3. Resolution K – 1: Amendment to Purchase and Sales Agreement dated February 13, 2015 between Seller, City of Selah, and Purchaser, Graf Investments, Inc. regarding Parcel No. 181302-21004
- * 4. Resolution M – 1: Resolution Authorizing the Mayor to Sign a Fire Communication Services Contract with the Cities of Yakima and Union Gap, and Yakima County Fire Protection Districts 1,2,3,4,6,9,12 and 14
- * 5. Ordinance N – 1: Ordinance Creating a New Chapter 20.21, to the Selah Municipal Code entitled “Parade Fees and Charges” and Creating a Schedule of Fees and Charges in the Selah Municipal Code, Title 20

Council Member Tierney moved, and Council Member Overby 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. Amendment to Purchase and Sales Agreement dated February 13, 2015 between Seller, City of Selah, and Purchaser, Graf Investments, Inc. regarding Parcel No. 181302-21004

2. Selection of a Mayor Pro Tempore

Mayor Gawlik addressed K – 2. He opened the floor for nominations.

Council Member Smeback nominated, and Council Member Schmid seconded, to appoint Council Member Overby as the Mayor Pro Tempore.

Council Member Tierney moved, and Council Member Smeback seconded, to close nominations.

Mayor Gawlik closed nominations.

By voice vote, Council approved Council Member Paul Overby as Mayor Pro Tempore for 2015.

Mayor Gawlik stated that the Finance Committee needs a new member.

Council Member Williams requested to be on the Finance Committee.

Mayor Gawlik confirmed her appointment. He outlined the procedure for selecting a new Council Member, which opens on May 4th and closes on May 29th, with interviews and selection on June 9th.

Council Member Overby remarked that he would prefer to leave the position vacant until the November election.

Mayor Gawlik responded that we are unable to do that; the position must be filled within ninety days.

Council Member Tierney encouraged all interested individuals to file for election, as there are several Council positions on the ballot this year.

Mayor Gawlik noted that his position is also up for election.

L. Old Business **None**

M. Resolutions

- * 1. Resolution Authorizing the Mayor to Sign a Fire Communication Services Contract with the Cities of Yakima and Union Gap, and Yakima County Fire Protection Districts 1,2,3,4,6,9,12 and 14
- 2. Resolution Approving the Preliminary Plat of “Eagle Ridge Phases 2, 3 & 4” (912.82.13-01) and Adopting Findings and Condition of Preliminary Plat Approval

Council Member Williams recused herself and left the room.

Community Planner Durant addressed M – 2. He referred Council to the binder of information provided, noting that the application for the preliminary plat proposed a thirty-seven lot subdivision with three units designated as two family lots, as allowed under the Zoning Ordinance. He reviewed the hearing

Examiner's report and recommended that Council approve the Resolution and Hearing Examiner's recommendation for the proposed plat.

Council Member Tierney wondered if the concrete driveways for the two family lots apply to the entire plat, or just those units.

Community Planner Durant responded that it only applies to the duplexes.

Council Member Tierney commented that others could have asphalt, and asked if the surrounding lots are mostly concrete driveways.

Community Planner Durant replied in the affirmative.

Council Member Tierney wondered why the rest of the lots wouldn't be concrete as well.

Community Planner Durant replied that this is a learning experience, and that the recommendation was based on applying the standards regarding duplex lots.

Mayor Gawlik inquired if this was only the parking aprons in front of the garages or if it included whatever length of driveway there would be in addition to the apron.

Community Planner Durant responded that he believes it to be both; they didn't make a distinction. He stated that the applicant was at the hearing and didn't express any objection to the conditions.

Council Member Tierney remarked that he can see having an asphalt driveway in section four of the subdivision, but the majority of homes are adjacent to the street and he would prefer to see concrete rather than asphalt.

Council Member Sample commented that ninety-nine percent of homes built today are asphalt approaches but the aprons are concrete.

Mayor Gawlik asked for confirmation that there was no objection from the applicant.

Community Planner Durant stated that he did not object.

Carl Torkelson approached the podium and addressed the Council. He said that there will be concrete driveways in the first two phases.

Council Member Sample wondered about the one year deadline.

Community Planner Durant responded that they are trying to apply the standard, and that a time limit gives them the opportunity to review something before it happens and make sure that conditions are being met. He noted that the code allows for the developer to apply for an extension.

Council Member Sample asked if the reason for the deadline was to allow other residents to see them when they are looking to build home in the subdivision.

Community Planner Durant replied in the negative, saying that it was to allow for a review of the plan.

Council Member Sample inquired about the outside appearance of those units, and if the covenants in the subdivision as a whole call for that.

Community Planner Durant responded that it's the same as the homes in phase one.

Council Member Sample felt that it was a good idea but wondered if the thinking followed all the way through.

Community Planner Durant noted that two lots on Southern Avenue are beside homes that have these features, and that this is a way to deal with compatibility.

Council Member Schmid expressed concern about the natural runoff that comes through a piece of the property to the west side of lot thirty-two, asking how much disturbance there will be with the natural waterway.

Mr. Torkelson answered that they will maintain the natural waterway, and if it does need to be altered he will have it engineered so that it won't create any issues for the neighbors.

Mayor Gawlik commented that it's no different than the place on Fourth Street.

Council Member Tierney observed that it hasn't seen a drop of water in twelve years.

Council Member Schmid said that he is a fan of natural waterway drainage, and would prefer to leave it unmolested.

Mr. Torkelson agreed, adding that it's the safest and easiest. He asked that Council consider a longer time frame than one year for construction of the two family lots.

Mayor Gawlik wondered if there was any precedent.

Mr. Torkelson replied that it's never been done.

Council Member Schmid noted that he can apply for an extension.

Mr. Torkelson indicated his understanding, but added that he would like to apply for more than one extension if needed.

Interim City Administrator Henne stated that he would need to meet certain requirements.

Mr. Torkelson said that he wants to make sure he has the ability to do so.

Council Member Schmid remarked that it can be extended per procedure.

Interim City Administrator Henne noted that it's not guaranteed.

Council Member Smeback said that he sees no limitation on extensions; there could be more than one.

Community Planner Durant responded that they are limited by code; they need to be constructed within a year of recording the final plat.

Council Member Smeback observed that no building permits can be issued until it has been recorded.

Mr. Torkelson stated that he is asking to be able to extend more than once.

Interim City Administrator Henne replied that he has five years to build the plat, then he can apply for a one year extension.

Mr. Torkelson commented that he only has one year to build on the duplex lots once construction starts, and he wishes to make sure he can have more than one extension if needed.

Mayor Gawlik deferred to City Attorney Noe.

Interim City Administrator Henne responded that he is unaware of an extension in Title 10 that deals with that.

Council Member Schmid felt that there should be something added to the Municipal Code that addresses getting an extension on the requirement.

City Attorney Noe stated that this is a condition that council would create, and that he is not aware of any limitation on an extension. He noted that, if Council creates the condition, they can modify it however they see fit.

Mr. Torkelson asked why it was only one year.

Council Member Schmid replied that the one year timetable came from discussions with the public about having them in an R-1 subdivision, and how that would affect the rest of the subdivision.

Mr. Torkelson remarked that he understands what they are trying to do but wondered if the one year deadline was really critical.

Council Member Smeback noted that it assumes that the person who creates the plat will build on every lot, otherwise it puts a burden on the gentleman who buys a duplex lot.

Interim City Administrator Henne responded that it should have been disclosed when the lot was sold.

Council Member Schmid commented that they are trying to protect the citizens that will be buying in new subdivision, plus those already there, and avoid getting the City into a situation with people doing whatever they feel like doing.

Council Member Smeback said that everyone in the subdivision will be required to comply with the Condition, Covenants, and Conditions (CCR) recorded for the plat.

Mr. Torkelson felt that, from a builder's standpoint, he needs more time than a single year, as there are variables that could come into play.

City Attorney Noe stated that items 2D and 2E of the Hearing Examiner's report address concerns regarding plat compatibility, and that the one year limitation was added to further that goal. He added that Council can decide whether that is actually necessary.

Council Member Smeback commented that he doesn't think there is a State law that would support an entity denying someone the opportunity to make use of their land.

Council Member Tierney remarked that they've had several people from the community talk about single and multi-family residences, and that he would encourage the developer to build single family residence on those lots.

Council Member Sample told him that he is making an assumption they are rentals.

Council Member Tierney responded in the affirmative.

Council Member Smeback commented that one thing they did see on Southern Avenue was the semi-truck traffic, and that a driver bringing his truck and trailer home into that neighborhood makes a mess. He suggested that the City put up signs that no semi-truck parking is allowed on Southern Avenue, and maybe Fifth Street as well.

Interim City Administrator Henne replied that commercial vehicles are not allowed to park on the right of way in residential areas.

Council Member Schmid felt that there should be no parking on the north side of Southern Avenue above Fifth Street until that strip is a full width road.

Council Member Smeback added that trucks parking along West Naches Avenue also needs to be addressed.

Mayor Gawlik responded that the Police Department has attempted to deal with a resident in that area who drives a truck and trailer; he's now parking in a lot off Fifth Street.

Police Chief Hayes commented that he isn't sure if parking in the lot violates any codes, and he don't know who owns the big empty gravel lot.

Interim City Administrator Henne responded that it's owned by the Green family, and that there is fifty feet of right of way in there.

Mr. Torkelson asked for clarification regarding the Hearing Examiner's condition based on what was stated before regarding plan or covenant submittal.

City Attorney Noe replied that 2E requires actual plan submittal before final plat approval, and that a future developer can't deviate from what has been submitted.

Mr. Torkelson wondered if the condition came from the Hearing Examiner or the City.

City Attorney Noe responded that it came from the Hearing Examiner.

Mr. Torkelson said that Council has the means to alter that.

City Attorney Noe answered that the Hearing Examiner has this included to ensure compatibility, and harmonious development.

Mr. Torkelson inquired what difference it would make if it's done before or after the plat is final, as he would like the ability to change or upgrade.

City Attorney Noe replied that once the plat is final each lot can be sold as a buildable lot, and that he thinks the Hearing Examiner was making sure that consistency is ensured before that happens.

Mr. Torkelson said that he's not understanding this requirement, as it still has to be harmonious to the neighborhood.

City Attorney Noe responded that it would be difficult for Council to require a third party to be harmonious with the surrounding are if it's not part of the final plat approval.

Mr. Torkelson stated that CCR conditions are recorded with the plat, and that he is trying to find a way to make it adjustable.

City Attorney Noe answered, that, if Council comfortable with that, then it can be done .

Council Member Schmid moved, and Council Member Smeback seconded, to approve the Resolution Approving the Preliminary Plat of "Eagle Ridge Phases 2, 3 & 4" (912.82.13-01) and Adopting Findings and Condition of Preliminary Plat Approval. 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 – recused. Motion passed with five yes votes and one recusal.

Council Member Williams rejoined the meeting.

N. Ordinances

- * 1. Ordinance Creating a New Chapter 20.21, to the Selah Municipal Code entitled "Parade Fees and Charges" and Creating a Schedule of Fees and Charges in the Selah Municipal Code, Title 20

O. Reports/Announcements

1. Mayor

Mayor Gawlik noted that Mr. Wayman is on his way to Selah. He said that he had an opportunity earlier today to make a presentation to the Kiwanis Club about current projects such as the pool, and Volunteer Park.

2. Council Members

Council Member Overby had no report. He thanked his fellow Council Members for appointing him as Mayor Pro Tempore, noting that he does have a bit of a stringent travel schedule and will advise if it becomes an issue.

Council Member Sample had no report.

Council Member Tierney remarked that Brooke Finch did an outstanding job as a Council Member, and that he hopes they can find a member of the community to apply for the position.

Council Member Smeback had no report.

Council Member Williams thanked Fire Chief Hanna for allowing her to tour the EDITH house and ride with Firefighter Willis on several calls one afternoon.

Council Member Schmid had no report.

3. Departmental

Community Planner Durant had no report.

Clerk/Treasurer Novobielski gave a quick update on revenues, noting that the City has received only seven percent of budgeted property taxes, but the sales tax through the end of April is approximately eighty-nine thousand more than the same time last year. He added that auto sales make up approximately forty percent of the sales tax and they are very good at the moment.

Recreation Manager Brown said that he has an intern starting in May who will take on planning the July Third event and the Army Base Race.

Fire Chief Hanna thanked Council for passing the Resolution for the Communications contract, adding that there is new director at the communications center. He remarked that he has some questions regarding the costs, and will address them next summer before they do a new two year contract. He said that they are finishing up the landscaping at the station and well improvements at the district stations. He informed Council that they had two hundred sixty-two second graders go through the EDITH House last week; they will start station visits with the kindergarten classes the week of May 11th.

Council Member Tierney expressed concern for this year's fire safety.

Fire Chief Hanna responded that any kind of vegetation will create a fire hazard, suggesting that homeowners create a fire buffer around their properties to allow the Fire Department more time to put out a fire.

Police Chief Hayes said that the Citizens' Academy graduated last night, and they are already planning the next one. He recommended increasing the parking ticket fee from twenty-five dollars to something more substantial, noting that some violators will opt to simply pay the fine and will continue to be an obstruction to traffic flow by forcing people into other lanes.

Mayor Gawlik asked how many graduated the Citizens' Academy.

Police Chief Hayes replied that they had fifteen graduates out of an initial class of thirty, and that they are looking at making the academy shorter in length.

Council Member Williams inquired about the upcoming hearing on the proposed range out on Sheep Company Road.

Police Chief Hayes commented that he heard they're trying to move closer to where people can see it.

Fire Chief Hanna noted that the second public hearing on it will be Thursday night at 6pm. He said that there are two designated areas out there currently used for shooting, with another four options for sites.

Council Member Williams asked if they would be in our fire district.

Fire Chief Hanna responded in the affirmative, noting that the second range is not in our district.

Interim City Administrator Henne said that they are busy cleaning up for Community Days. He added that crews will be paving at Southern Avenue and First Street tomorrow, and that they repaved the crosswalk on Park at the Civic Center. He commented that the park guys are busy, and that there have been a lot of tournaments already this year.

Council Member Tierney requested an update on the Goodlander project funding.

Interim City Administrator Henne replied that there is a new project engineer for TIB in our area and they've agreed to increase their funding by twenty-eight thousand seven hundred and fifty dollars, which will help the Street fund.

City Attorney Noe said that the Secretary of State's archivist office issued advisory opinions regarding electronic records regarding problems caused for jurisdictions and ways to address them, and that he will disseminate the information to staff.

Council took a ten minute recess.

4. Boards

a. Planning Commission Minutes – December 16, 2014

P. Executive Session

1. 10 Minute Session – Evaluate a complaint or charge brought against a public officer or employee RCW 42.30.110 (f)

Council went into Executive Session at 7:58pm. At 8:08pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Q. Adjournment

Council Member Smeback moved, and Council Member Schmid seconded, that the meeting be adjourned. Motion passed with 5 yes votes and one no vote.

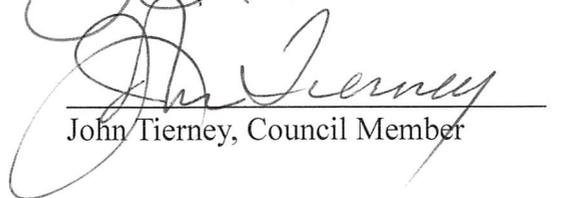
The meeting adjourned at 8:08pm.



Paul Overby, Council Member



John Gawlik, Mayor



John Tierney, Council Member



Dave Smeback, Council Member

Allen Schmid, Council Member

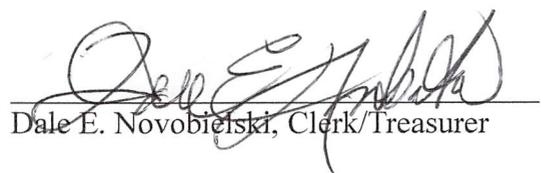


Roy Sample, Council Member



Jane Williams, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer