

City of Selah  
Council Minutes  
April 8, 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 4:00pm.

B. Roll Call

Members Present: John Tierney; Dave Smeback; Allen Schmid; Brooke Finch; Roy Sample; Jane Williams

Members Excused: Paul Overby

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

Mayor Gawlik led the Pledge of Allegiance. Police Chief Hayes led the opening prayer.

D. Agenda Changes

1. Added to Agenda:

- a. Ordinance N – 2: Ordinance of the City of Selah, Washington renewing a six month moratorium for an additional six months 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; declaring an emergency; requiring a public hearing be set; establishing an effective date; and providing for severability
- b. Executive Session Q – 1: 20 Minute Session – Real Estate RCW 42.30.110(1)(b)

Council Member Sample wondered the Ordinance wasn't brought to Council prior to the meeting. He felt that such an important issue needed time for them to study it.

Council Member Finch agreed, adding that they have discussed last minute agenda changes in the past.

Community Planner Davison remarked that it is a time sensitive issue that needed to be dealt with at today's meeting.

City Administrator Kelly said that the moratorium extension will provide for additional time to allow the Planning Commission additional time to review the matter fully before making their recommendation to the Council. He added that this is a time sensitive issue as someone could apply for a license between the expiration of the original moratorium and an extension if Council chose not to act on the matter at today's meeting. He acknowledged that it did not get placed on the agenda in a timely manner to allow the Council Members time to review it. He wondered what amount of time Council would like to extend the moratorium for to allow them to make an informed decision on the matter.

Council Member Finch commented that she would like notification well in advance and thought that any action on the matter should be postponed until the next meeting.

City Administrator Kelly noted that the City would have to act on any applications made while a moratorium was not in place.

Council Member Finch responded that she has a hard time understanding why we are up against a deadline with this matter, adding that it should have been addressed a few months ago.

City Attorney Noe stated that the purpose of the moratorium was to allow the Planning Commission time to review the matter and make a recommendation to Council. He went on to say that the Planning Commission would like an extension of the moratorium to allow for Council make a decision rather than the possibility of things coming in prior to a decision being made, which could expose the City to potential applicants without a way to regulate those establishments.

Council Member Tierney felt that this was nothing other than an extension of the existing Ordinance, which requires no additional thought or study but will prevent people from making applications during the time that the City has a moratorium in place. He added that, while it is nice to have it out front to know it's coming, extending it doesn't mean that Council can't act prior to 6 months. He recommended leaving it on the agenda and taking action on the matter today.

Mayor Gawlik asked for a consensus of council as to whether the item should remain on the agenda.

City Administrator Kelly commented that they could extend the moratorium for 3 months instead of 6 months, which should be enough time for the Planning Commission to make a recommendation to Council.

Mayor Gawlik stated that two Council Members have expressed a need for additional time to review the item and asked Council for a consensus as to whether they would like it left on the agenda.

Council Member Sample remarked that his objection wasn't regarding the extension; it was getting the item when they arrived for the meeting. He felt that it should have been on the agenda. He said that the item should remain on the agenda but they should discuss the length of the extension.

Council Member Williams suggested having the item presented at the next Council Meeting.

City Administrator Kelly responded that there is not enough time; the current moratorium expires prior to the next meeting.

Community Planner Davison commented that the Planning Commission is looking at holding a public hearing on the matter at the end of May, with the intent of sending to Council the first meeting in June. He noted that the Planning Commission is not expecting Council to take action on the item at that first meeting.

Mayor Gawlik said that, if Council opts not to extend the moratorium today, there won't be a need for hearings at a later date.

Community Planner Davison added that the door will be open if it is not extended.

City Attorney Noe commented that, given the timing for the Planning Commission to review the matter, Council could opt to extend the moratorium for 3 months rather than 6 months.

Council Member Tierney remarked that Council can still act on the matter in 3 months if they opt to extend it for an additional 6 months; however, if they opt to make it a 3 month extension they may have to extend it a second time if the Planning Commission needs additional time.

Council Member Williams agreed with Council Member Tierney.

City Administrator Kelly stated that the last minute addition to the agenda was his fault; he had numerous things going on and this one slipped through cracks.

Mayor Gawlik reiterated his request for a consensus vote on whether to leave the item on the agenda.

Council Member Finch expressed her concern about the matter, saying that the election was held at the beginning of November and they have known that the issue needed to be dealt with. She wondered if the Planning Commission has met since November and why no one had the forethought to address this matter prior to today's meeting. She didn't appreciate the last minute addition to the agenda.

Community Planner Davison responded that the State statutes, as well as the rules and regulations of the Liquor Control Board, have been changing almost daily. He went on to say that the Planning Commission has studied several alternatives but didn't want to recommend a course of action to Council that would need to be revisited due to changes in the rules; they would prefer to get it correct the first time.

Mayor Gawlik said that he appreciates that course, but added that it does place the Council in a precarious place. He requested that Community Planner Davison convey to them the situation that Council is dealing with.

Council Member Finch voted to remove the item from the agenda.

Council Member Sample voted to keep it on the agenda.

Council Member Tierney voted to keep it on the agenda.

Council Member Smeback voted to keep it on the agenda.

Council Member Williams voted to keep it on the agenda.

Council Member Schmid voted to keep it on the agenda.

Consensus to keep the item on the agenda.

E. Public Appearances/Introductions/ Presentations

1. Dave McFadden & Jean Brown, Yakima Community Development Association

Dave McFadden approached the podium and addressed the Council. He introduced himself, noting that he is the president of the Yakima Community Development Association (YCDA), and handed out their annual report for Council to read. He spoke about the purpose of the organization, started in 1985, which is to bring new industry into the community as a part of the economic growth that will occur within the community if we take care of it. He went on to say that they have grown beyond the initial purpose to encompass not only what is already here but also to focus on small business entrepreneurship. He noted that they depend on both private and public partners to help get things done, and that they have worked with the City of Selah on a variety of projects such as Graham Packaging and the retail development on South Park Drive.

Jean Brown approached the podium and addressed the Council. She said that she is the Vision Development Director for YCDA, and also a Selah resident. She talked about visiting businesses throughout the year, noting that they will do a total of six STEM videos this year, including one for the Selah School District and one for Tree Top Inc. She remarked that they also have the Enterprise Challenge, which assists entrepreneurs with writing a business plan, and that Selah's Smiles, a recent winner, was placed in Selah. She noted that they are able to draw people from Selah into what's happening around the county and to bring the county to Selah. She noted that she is active in the Selah Chamber and that she hopes to accomplish a lot through Selah Downtown Association.

Council Member Smeback expressed his approval of the changes that have happened in the last few years with the focus on local retailers and businesses, adding that it is good for all of us. He commented that a lot of cottage businesses are coming to town.

Mr. McFadden responded that the happier the local businesses are the better the area looks; they are focusing on emerging businesses up and down the valley.

Council Member Schmid expressed his amazement that it has been 30 years since the organization was started, adding that he was involved in the project at its inception. He observed that Mr. McFadden does an outstanding job, and that what has been accomplished is phenomenal. He noted that it is being done by people who live in valley, and is supported by people in the valley; everybody is working together for the whole valley to make it a success. He agreed with Council Member Smeback regarding the focus on what is here and what we can grow.

Council Member Williams said that, when she was reading their website, she watched videos for both Shields and GE. She felt that it is a great idea for young people wanting to find a job in the area. She wondered why only some of the City-owned properties do are listed on their website and if the City pays an additional fee for that service.

Mr. McFadden replied that the service is provided at no additional cost to the City. He explained that they don't have people calling for smaller properties; most are looking for larger real estate for commercial or industrial purposes.

Council Member Tierney inquired as to the prevailing wage of the businesses they are bringing to the area.

Mr. McFadden responded that a lot of them are manufacturers with an average of \$15 per hour, although there are some lower-paying jobs as well. He noted that companies come in a lot of different shapes and sizes, and that, while the core businesses in Selah might not pay \$25 per hour, we want to have them stay. He commented that they are going to limit the time they spend with folks at the lower end of wage scale.

Mayor Gawlik thanked them for their time.

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

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: March 25, 2014 Council Meeting

\* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 77292 – 77331 for a total of \$210,018.68

Claim Checks Nos. 63604 – 63626 for a total of \$ 317.36

Claim Checks Nos. 63627 – 63702 for a total of \$133,935.64

**Council Member Schmid moved, and Council Member Sample 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    **None**

L. Old Business    **None**

M. Resolutions

1. Resolution authorizing the Mayor to sign a Public Sector Service Contract with the Yakima County Development Association

City Administrator Kelly addressed M – 1. He stated that this is simply a formal adoption of the contract presented a few minutes ago; it's a five year contract with a \$1,650 annual fee.

Council Member Tierney asked what the fee is based on.

Mr. McFadden responded that it is based on a formula applied to local governments.

**Council Member Smeback moved, and Council Member Schmid seconded, to approve the Resolution authorizing the Mayor to sign a Public Sector Service Contract with the Yakima County Development Association. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council**

**Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

2. Resolution authorizing the Mayor to sign Sponsor Agreements with various persons or entities wishing to sponsor the Half Marathon and 5K Races in Selah

Recreation Manager Brown addressed M – 2. He said that this is the fourth year of the annual Army Base Race, a big event put on by the Recreation Department, and that they have asked various sponsors to help with event costs the last two years. He noted that Howard’s Medical Supplies has agreed to be the main sponsor for 2014.

**Council Member Tierney moved, and Council Member Smeback seconded, to approve the Resolution authorizing the Mayor to sign Sponsor Agreements with various persons or entities wishing to sponsor the Half Marathon and 5K Races in Selah. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

3. Resolution authorizing the Mayor to sign a contract with Uberthons, LLC for Race Timing

Recreation Manager Brown addressed M – 3. He said that Uberthons LLC out of Portland, Oregon has chip timing equipment for race, which allows for more accurate results as the number of participants has increased each year. He noted that he also allows the runners to see their time after crossing the finish line.

Council Member Tierney asked if they had any problems with the system last year.

Recreation Manager Brown responded in the negative.

Council Member Williams remarked that the AIS indicated that the Recreation Department would like to rent the equipment for one more year and then buy their own system.

Recreation Manager Brown replied that the system would cost approximately \$9,000, and handles up to 1,500 runners. He added that they could rent it out once a year to another group of runners.

**Council Member Schmid moved, and Council Member Williams seconded, to approve the Resolution authorizing the Mayor to sign a contract with Uberthons, LLC for Race Timing. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

4. Resolution authorizing the Mayor to submit an application form to the Washington Wildlife and Recreation Program for it assistance in submitting a grant application to the Recreation and Conservation Office

Recreation Manager Brown addressed M – 4. He said that the Recreation and Conservation Office hands out approximately \$47 million in grants each year, and that he would like to submit an application for utilizing some of those funds to develop Volunteer Park. He went on to say that he has been working with City Administrator Kelly, Public Works Utility Supervisor Jones, and the a group from the Church of Jesus Christ of Latter-day Saints on a list of items that would make it an active park. He noted that the total grant costs would be \$700,000, of which they would apply for half that amount.

Mayor Gawlik asked about play equipment that could be used by handicapped children.

Recreation Manager Brown responded that the special playground equipment they are looking at will allow special needs kids to use the equipment alongside those without special needs.

Council Member Williams asked for confirmation that they would accept in kind donations as a match.

Recreation Manager Brown replied in the affirmative, saying that volunteer time would be calculated by the State.

Council Member Williams wondered how large an area the park encompasses.

Recreation Manager Brown responded that it is five acres in size.

Council Member Williams inquired about parking.

Recreation Manager Brown said that it would be just off Merinda Drive.

Mayor Gawlik asked if there was a drawing of the proposed park.

Recreation Manager Brown replied that they are working on a concept drawing and should have it ready for the next Council Meeting.

**Council Member Smeback moved, and Council Member Finch seconded, to approve the Resolution authorizing the Mayor to submit an application form to the Washington Wildlife and Recreation Program for its assistance in submitting a grant application to the Recreation and Conservation Office. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

5. Resolution Declaring Vehicle and Printers Surplus and Providing for Disposition of the Same

Recreation Manager Brown addressed M – 5. He said that the Recreation office currently has several printers and a copy machine, which they would like to exchange for one all-in-one machine, which will save the City some expenses for ink and maintenance. He commented that the truck in question was purchased from the Public Works Department, but they don't use it anymore and it is an unnecessary drain of money that could be put towards another use.

Council Member Tierney wondered what the selling price would be for the truck.

Recreation Manager Brown responded that he will look into that.

**Council Member Finch moved, and Council Member Smeback seconded, to approve the Resolution Declaring Vehicle and Printers Surplus and Providing for Disposition of the Same. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

N. Ordinances

Council Member Sample requested that Council hear Ordinance N – 2 prior to discussing Ordinance N – 1.

2. Ordinance of the City of Selah, Washington renewing a six month moratorium for an additional six months 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; declaring an emergency; requiring a public hearing be set; establishing an effective date; and providing for severability

Community Planner Davison addressed N – 2. He said that the extension request for additional 6 months will allow the Planning Commission time to finalize their recommendation after holding a public hearing on the matter. He went on to say that they will send their final recommendation on to Council for them to approve, deny, or send back for additional study, and that, while it may not take a full 6 months to finalize it would be better to allow for sufficient time for Council to deliberate on the matter before making a final decision.

Council Member Williams wondered if the wording was the same as the original moratorium.

City Attorney Noe replied that there is additional language added to address Initiative 502, as it wasn't included in the original moratorium.

Council Member Williams asked if anything had been removed.

City Attorney Noe responded in the negative.

Council Member Finch said that, while she understands why they need to continue the moratorium, she is disappointed with how this has been handled. She remarked that they had five months to get their act together and hear feedback from the Planning Commission. She noted that other local municipalities have already dealt with this, yet the City's solution is to buy more time. She commented that this is not how she conducts her own business or how she would like the City to conduct theirs, and that there should be a precedent regarding last minute agenda changes.

Council Member Tierney stated that he would like to urge Community Planner Davison and City Administrator Kelly to draft a stern letter to the Planning Commission on acting in a timely fashion so that the Council can act on it no later than six months from now. He felt that this was embarrassing for the City.

Council Member Schmid commented that there can be some concern at times with getting items to the Planning Commission, and that in this case what Council Member Finch said regarding them not acting in an expedient manner is important. He noted that the Council made a decision to take it in a slower manner at the onset to make sure they weren't going out on a limb, and that Council is also a bit at fault in this matter. He said that, when these types of issues come up, they need to be dealt with in a manner beneficial to the citizens, the City and the Council.

Council Member Smeback noted that the people in this community didn't vote in favor of what the state passed; only a handful of states have approved it. He felt that taking the time to deal with this in a careful manner was fine with him and the community, adding that there has been no outcry from the citizens to get this passed.

Council Member Williams stated that her only concern was the need for time for the Planning Commission to review the matter and conduct a public hearing. She wondered if the public hearing would come before Council or the Planning Commission.

Community Planner Davison responded that it will go to the Planning Commission and they will make a recommendation on the matter, which will then go to Council for either approval, denial, or sent back for further

study. He noted that, if Council opts to deny their recommendation, the matter then falls into realm of the City Attorney as to whether to conduct a second public hearing at which Council will approve or disapprove the matter.

Council Member Williams echoed Council Member Finch's concern, adding that she would like to see the matter placed on the Planning Commission's agenda as soon as possible.

Community Planner Davison responded that the Planning Commission will not treat the issue lightly.

Council Member Williams asked when it was last on their agenda.

Community Planner Davison last time was a few months back, and that they have been waiting to see which laws would be signed by the new governor, as they wish to get it right.

**Council Member Smeback moved, and Council Member Tierney seconded, to approve the Ordinance of the City of Selah, Washington renewing a six month moratorium for an additional six months 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; declaring an emergency; requiring a public hearing be set; establishing an effective date; and providing for severability. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

1. Ordinance relating to the protection of fish and wildlife habitat conservation areas, frequently flooded areas, aquifer recharge areas, geologic hazard areas, and wetlands; establishing Selah Municipal Code Title 17, Chapter 17.07, Critical Area Ordinance; providing for severability; and providing for an effective date

Community Planner Davison addressed N – 1. He said that this Ordinance implements State law regarding critical areas to protect and provide for beneficial improvement over time. He reviewed the staff report, the Findings of Fact from the Planning Commission, and the Planning Commission minutes that were included in the packet, as well as the series of maps showing the fish and wildlife habitat conservation areas, frequently flooded areas, aquifer recharge areas, geologic hazard areas, and wetlands located within the Selah urban growth area. He noted that the regulations would only apply to those areas located within the City limits, not the entire urban growth area. He went on to say that the Planning Commission met several times to draft and review the proposed Ordinance, including changes suggested by the Department of Ecology, and it was sent to the State review committee for their approval. H stated that the Planning Commission recommends adoption of the Ordinance, which staff will implement upon approval by the Council.

Council Member Tierney remarked that he talked with City Attorney Noe earlier about identifying where the text came from. He asked if it came from what Yakima County adopted, and if the Superior Court decision had been taken into consideration.

Community Planner Davison replied in the affirmative.

Council Member Smeback asked if Community Planner Davison and Public Works Director Henne would review and apply the Ordinance.

Community Planner Davison responded in the affirmative, adding that it will depend on the proposal.

Council Member Smeback asked Public Works Director Henne how he felt about the proposed Ordinance and if he felt it was overstepping by Federal authority.

Public Works Director Henne said that this Ordinance is required by the State, and if they want to be eligible for certain funding then they need to have this adopted. He commented that the Ordinance has good factors; it may be cumbersome at times regarding certain projects but overall it is something that provides another tool to protect critical areas and is compliant with requirements of the State.

Council Member Smeback noted that a Selah without irrigation and water would be a desert. He wondered if the Department of Ecology was overstepping their bounds by requiring citizens to plant trees along the bank in south Selah.

Public Works Director Henne remarked that there are other methods available to accomplish that; however, the City agreed to it years ago.

Council Member Smeback felt that sometimes these things open the door, citing the stream for salmon that initially made the fish happy but is inadequate in 2014.

Public Works Director Henne suggested that they wait until they see the new rules, if the streams and waterways are clean that would allow an individual to eat more fish safely.

Council Member Williams wondered how the public was notified about the public hearing held on March 5<sup>th</sup>.

Community Planner Davison replied that there was a legal notice published, as well as another ad in the paper. He noted that they had a lot of phone calls but no one showed up to the hearing.

Council Member Williams asked where the map and overlay information came from.

Community Planner Davison responded that a lot of that information was provided by the United States Geological Survey (USGS).

Council Member Williams inquired if these were the most current maps.

Community Planner Davison replied that geological soils haven't changed; the only one that might have changed would be a possible expansion of the wildlife habitat.

Council Member Williams expressed her concern about addressing geological hazards regarding steep slopes, saying that it is a big liability and could be a bigger problem than flooding.

Community Planner Davison responded that on steep slopes of 25% or greater the minimum zoning is 1-5 acres in size.

Council Member Williams asked how often he looks at the maps to update and incorporate them into the decision making process.

Community Planner Davison replied that updating maps regarding the river is a large and expensive task; in the last 10 years the flood maps have been redone 3 times as things moved around. He noted that the City doesn't update those maps.

Public Works Director Henne stated that FEMA sends updates, the USDS sends updates; they come from different government agencies. He added that the DOE sends out an update on aquifer levels and well testing every 5 to 6 years and the City updates its maps accordingly.

Council Member Williams noted that the Ordinance did state that they can get more current maps if there is a concern.

Community Planner Davison said that, if a developer has a proposal close to or in a critical area, the City can require certain items such as a wetland study or a geology study.

Public Works Director Henne added that the proponent can challenge back if they don't agree; some of the FEMA maps are fairly accurate but not very detailed.

Council Member Williams asked about satellite mapping.

Community Planner Davison responded that they would have the same faults and errors as the USGS maps; the USGS maps are field-tested for accuracy.

Council Member Williams expressed her concern about staying up on the most current information, especially regarding steep slopes. She suggested that they look into anything that has a steep slope.

Community Planner Davison understood her concern about steep slopes, noting that Crusher Canyon required a geologist to prove that the steep slope was stable.

Council Member Sample remarked that the steep slope created by Crusher Canyon Road was not on the map.

Community Planner Davison replied that it wasn't a steep slope until it was illegally cut that way.

Council Member Sample stated that the base map is at least 20 years old, and that the steep slope has been there longer than 20 years. He said that he understand that, per the growth management act, the City has to adopt a critical area ordinance, but he wondered about the references to the urban growth area, asking if this only applies within the City limits.

Community Planner Davison responded that it will only apply within the City limits.

Council Member Sample stated that he didn't see that spelled out in the Ordinance.

Community Planner Davison replied that it only applies within the City; however, he didn't remember if it stated that it only applies within the City limits.

Council Member Sample wondered if the City would have their consultant check the work of any consultant hired by someone proposing a development in a critical area.

Community Planner Davison responded in the affirmative, saying that the City's consultant would check the information that the proponent's consultant submits to the City.

Council Member Sample remarked that it is hard to find a spot in Selah isn't in one of the critical areas. He wished that the Ordinance was more specific on items.

Public Works Director Henne remarked that there will be changes done to it, similar to what they've done regarding the stormwater Ordinance; they've tried to make it clean and presentable.

Council Member Schmid said that, while he understands where Public Works Director Henne and Community Planner Davison are coming from, he also agrees with Council Member Sample to a certain degree. He noted that there is a lot of apprehension from Council Members after what happened with growth management, but the City is mandated to put something on the books.

Council Member Williams wondered how many days prior to the hearing on March 18<sup>th</sup> did the Planning Commissioners receive the Ordinance to review.

Community Planner Davison replied that they received it approximately 8 to 9 days in advance.

Council Member Williams asked if that was adequate time for them to review the document.

Community Planner Davison responded that they have been working on it for some time, and that the most recent version they reviewed incorporated the suggested changes by the DOE.

**Council Member Tierney moved, and Council Member Schmid seconded, to approve the Ordinance relating to the protection of fish and wildlife habitat conservation areas, frequently flooded areas, aquifer recharge areas, geologic hazard areas, and wetlands; establishing Selah Municipal Code Title 17, Chapter 17.07, Critical Area Ordinance; providing for severability; and providing for an effective date. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

O. Communications

1. Oral

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

P. Reports/Announcements

1. Mayor

Mayor Gawlik had no report.

2. Council Members

Council Member Finch had no report.

Council Member Sample had no report.

Council Member Tierney asked how many City computes were currently running on Windows XP and what would be needed to purchase replacements for them.

City Administrator Kelly said that he saw the notice regarding Windows XP, and that they will have to do an inventory of all machines to see how many are currently using Windows XP.

Public Works Director Henne remarked that his department only has two computers using Windows XP; the rest are running Windows 7.

Council Member Tierney wondered which operating system the sewer was running on.

Public Works Director Henne responded that he believes it is using Windows 7. He commented that Microsoft is stopping support, which means no more patches, but doesn't mean that the technicians we have can't work on them.

City Administrator Kelly noted that a virus wouldn't be fixed by Microsoft anyway.

Council Member Smeback had no report.

Council Member Williams had no report.

Council Member Schmid had no report.

### 3. Departmental

Police Chief Hayes had no report.

Fire Chief Hanna said that his department is busy with public education this time of year; the 2<sup>nd</sup> graders will be going through the EDITH house next week and the kindergarten classes will be coming to the Fire Station for education and fire safety. He noted that they will also be participating with the Selah School District in their event for special needs children on April 23<sup>rd</sup>; there will be a broad range of ages for them to work with regarding life safety and planning. He noted things that the fire stations will all have an open house on April 23<sup>rd</sup>, and there will be a notice in the paper to that effect. He commented that the fireworks people will be holding a fireworks class on April 19<sup>th</sup>, adding that they have permission from the Selah School District and applied for a permit from the Washington State Department of Transportation to set off fireworks during daylight hours on that day.

Clerk/Treasurer Novobielski said that the March receipts have put the City back on track in regards to property tax receipts, and that he should have more good news to report at the first meeting in May.

Community Planner Davison thanked the Council for adopting the Critical Area Ordinance. He noted that his department has more applications than they know what to do with at this time.

Public Works Director Henne passed around a picture of the completed gazebo, noting that the chain link fence surrounding was poured today. He gave a brief update on the Bartlett Avenue and Goodlander Road projects, adding that the department is keeping busy with everything going on this time of year.

Council Member Sample asked if they figured out the design themselves.

Public Works Director Henne ordered gazebo and engineering plan as extra was laid out for us put gravel base on place of old wading pool

Mayor Gawlik felt that the picture didn't do it justice.

Public Works Director Henne remarked that it will be a nice fully functional facility.

Council Member Schmid wondered what the signs on Speyers were for.

Public Works Director Henne responded that they are part of the Home Avenue and Pear Avenue water project, which is going up Hillview Avenue and over to Wenas Road. He noted that they will tie in with the water main at Les Schwab and the one that stops at Banner Bank.

Council Member Williams commented that she heard his department was hiring two more staff members.

Public Works Director Henne replied that they conducted the interviews on Friday and he hopes to have a final decision tomorrow.

Council Member Smeback asked if Bartlett Avenue was ready to go.

Public Works Director Henne responded that they will pave on Monday; they are prepping and will have the sidewalks poured this week.

Council Member Tierney asked for confirmation that Matson Fruit trucks were not to use Larson Drive per the City's agreement with them.

Public Works Director Henne inquired if they were Matson Fruit trucks or contractor trucks.

Council Member Tierney stated that they were Matson Fruit trucks.

Public Works Director Henne replied that he will talk with them about that.

Council Member Tierney wondered if it could be posted as a no trucks street.

Public Works Director Henne responded in the negative, saying that Les Schwab and Helms Hardware deliveries use that route, and it will also be used as a detour route during the Community Days parade. He noted that Matson Fruit put in a triangle barrier to discourage trucks from making a right hand turn onto the street.

Council Member Tierney remarked that it may have been an isolated incident.

Recreation Manager Brown had no report.

City Administrator Kelly said that he has implemented the tickle file suggestion made earlier this year, although he didn't get tickled enough regarding the marijuana moratorium. He noted that this is a moving target and he will try to make sure things don't fall through the cracks. He handed out copies of the tickle file and briefly ran through the format of the document. He requested that Council Members contact him if they have any comments on the file. He commented that no one likes the necessity of talking into the microphones currently in use, and that in discussing the matter with someone across the mountains who handles approximately 90% of the government entities in the state found that a different brand of microphone would be less expensive and cover everyone. He noted that these flat microphones are \$125 apiece; the City could sell the current microphones and recoup some of the expense.

Council Member Williams wondered if the City could get its money back on the microphones recently purchased.

City Administrator Kelly responded that those are the most popular ones for the recording system and should be easy to sell.

City Attorney Noe had no report.

Council took a seven minute recess.

4. Boards **None**

Q. Executive Session

1. 20 Minute Session – Real Estate RCW 42.30.110(1)(b)

Council went into Executive Session at 6:05pm. At 6:25pm, Council went back on the record. Mayor Gawlik stated that they would be extending the Executive Session for an additional 20 minutes.

Council went back into Executive Session at 6:25pm. At 6:45pm, Council went back on the record. Mayor Gawlik stated that they would be extending the Executive Session for an additional 15 minutes.

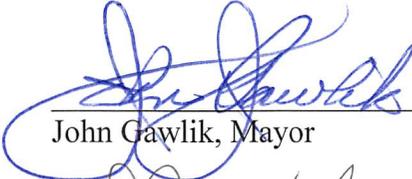
Council went back into Executive Session at 6:45pm. At 7:00pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

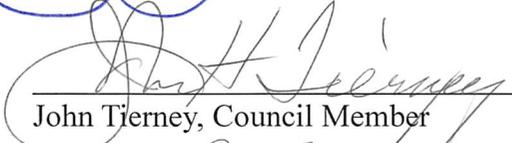
**Council Member Sample moved, and Council Member Tierney seconded, to approve the Agreement Regarding Disposition of Right of First Refusal and the Continued Use of Easement between the City of Selah and Bill Harris Used Cars, Inc. and authorize the Mayor to sign said Agreement. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

R. Adjournment

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

The meeting adjourned at 7:02pm.

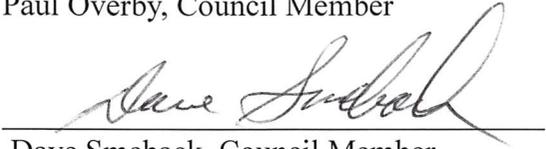
  
\_\_\_\_\_  
John Gawlik, Mayor

  
\_\_\_\_\_  
John Tierney, Council Member

  
\_\_\_\_\_  
Allen Schmid, Council Member

  
\_\_\_\_\_  
Roy Sample, Council Member

EXCUSED  
\_\_\_\_\_  
Paul Overby, Council Member

  
\_\_\_\_\_  
Dave Smeback, Council Member

\_\_\_\_\_  
Brooke Finch, Council Member

  
Jane Williams, Council Member

ATTEST:

  
Dale E. Novobielski, Clerk/Treasurer