

City of Selah
Council Minutes
August 11, 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 4:00pm.

B. Roll Call

Members Present: Paul Overby; John Tierney; Roy Sample; Jane Williams; Laura Ritchie

Members Excused: Dave Smeback; Allen Schmid

Staff Present: Don Wayman, City Administrator; Bob Noe, City Attorney; Gary Hanna, Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; 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

Council Member Tierney led the Pledge of Allegiance. Pastor Charles Bonner gave the prayer.

D. Agenda Changes

Remove from Agenda:

1. Executive Session P – 1: 30 Minute Session – Real Estate 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.

Wayne Worby approached the podium and addressed the Council. He said that he wished to address Council concerning Chapter 10.24 of the Selah Municipal Code, such as how to write it correctly, the need for comments from the public, and to have as much information available as one can get before sitting down to write policy. He expressed his concern that the rewrite may be worse than what the City had in place, particularly the portion that allows for an appeal of any portion of the Code. He questioned the use of 'may' in the Code, feeling that 'shall' allows for more control, and wondered if surveys or information from citizens were being used to instruct and guide those making the policy. He asked where the input is from the elected officials of Selah.

Council Member Williams responded that they will have the opportunity for input when the matter comes before them.

Mr. Worby commented that there no wish list and no data from the people.

Council Member Sample remarked that he heard him make this same argument with the Planning Commission, and felt that everything has already been said. ,

Mr. Worby stated that there would be no context without being there, and that they will miss the flavor of it if they rely only on transcripts. He noted that 10.24 is not a WAC code requirement.

Council Member Tierney replied that they rely on the data and information that the Planning Commission receives to build a recommended Ordinance, and that every Council Member will have the opportunity prior to the Council Meeting to fully review and make a determination in their own minds regarding what action to take. He felt it would almost be biasing his opinion if he provided input to the Planning Commission on a particular piece of subject matter, and that it is up to the public to attend Planning Commission meetings and express their thoughts on the subject. He noted that he hasn't had a single person approach him about anything relating to 10.24.

Mr. Worby didn't think the people in the community know what is going on related to this. He suggested having town hall meetings.

Council Member Tierney responded that there is a general lack of involvement in the community when it comes to these matters, as the number who would attend would be a small section of the population.

Mr. Worby felt that the City wasn't doing enough groundwork regarding new legislation.

Council Member Overby observed that, as a Council Member, he often receives input on things that are not appropriate to receive, as they have to maintain a non-biased approach. He said that it's a legislative action and everyone has an opinion about what it should be. He stated that the Council Members are all open to receiving input personally or in a public forum. He remarked that he listened to six hours of Hearing Examiner and Planning Commission meetings recently as part of the information provided to Council, and that he prefers that the Planning Commission and Hearing Examiner distill the meetings down to the barest essentials for Council, as he doesn't want to be in the position of listening to hours of meetings again.

Mr. Worby replied that he was making the best decision possible because he was informed.

Council Member Overby responded that he cannot consider opinions, emotions, or flavor in a quasi-judicial decision, adding that a lot of that does establish context but they need to consider the facts and the law. He is content with the duly delegated entities delivering the facts.

Mr. Worby said that he understands that.

Council Member Overby commented that there is always opportunity for input, and that he has discussed 10.24 with City Administrator Wayman. He felt that how people feel about the matter is incredibly important.

Council Member Ritchie said that it's posted on the City website, and encouraged people to review and comment on it. She asked how long it's open for comment.

City Administrator Wayman replied that the Planning Commission meets next Tuesday for a study session, with no public comment at that point, but they will take written comment and consolidate public comment on the matter, then direct himself and Community Planner Durant as to what to put into the new Ordinance. He stated that they will have an open hearing on the final draft at the following Commission meeting, and that he will be asking for an additional thirty days to allow for time to complete the rewrite with the appropriate amount of public comment. He noted that they have had a lot of suggestions, and that there will be a number of changes from the original to the final draft.

Council Member Ritchie remarked that she has talked with City Administrator Wayman about generating public comment, feeling that a lot of residents either don't know, don't care, or are too busy. She felt that it's up to those people who are interacting currently to seek out others.

Mr. Worby commented that they could create a survey, create feedback for discussion, and have a group get together at community center, similar to what was done for the pool project.

Council Member Sample replied that the SPRSA is a separate organization from the City of Selah, and that they represent all of the Selah School District. He noted that the survey that was up on the website was for an opinion of what the pool configuration should be, which is different from the type of Survey Mr. Worby is talking about. He didn't see the relevance for a survey.

Mr. Worby felt that both pertain to quality of life for Selah.

Council Member Overby stated that 10.24 is a large item to consider, and that even the development of a survey would be contentious, as it would lead to highlighting certain issues and ignoring others.

Council Member Williams didn't think Council needed to be in a rush because this is a big issue.

Mayor Gawlik remarked that, per citizen comments regarding the repealed Planned Development Code, Council opted to remove it and give the Planning Commission and a land use law firm ninety days to start the process on that segment of Chapter 10. He noted that there was a request for a sub-committee, but the City has the Planning Commission for those matters, which is comprised of people from the community. He noted that City Administrator Wayman mapped out the process and a timeline, but due to

no community feedback and a delay from the law firm they have fallen behind on the rewrite. He stated that this is being taken very seriously, and that they have tried to be as open as possible during the entire process.

Mr. Worby felt that input will be very narrow in terms of community involvement, which is why he's suggesting a town hall meeting.

Mayor Gawlik responded that the Planning Commission is meeting twice a month.

Mr. Worby felt he was missing the point, suggesting that the City put an announcement on utility bills to get a broader base of support for it.

City Administrator Wayman remarked that it's a matter of perspective, and that he thinks the Planning Commission is taking extraordinary measures with two meetings on the issue. He noted that there will be opportunity for another week of written comment, and that the next meeting is a study session.

Mayor Gawlik wondered if the study session could be held as an open forum down at the Civic Center.

City Administrator Wayman believed that the best venue was at City Hall, and that he and Community Planner Durant will be receiving their marching orders from the Commission for the final draft, then have an open hearing at the next meeting.

Mayor Gawlik asked for clarification that there would be two more meetings.

City Administrator Wayman responded in the affirmative.

Mayor Gawlik wondered if the study session could be announced as an open forum.

Community Planner Durant said it will be put on website again, and can be put on the reader boards.

Mr. Worby asked about the Yakima Herald having a reporter come, as the website is great for those who go to it, but not everyone does.

City Administrator Wayman stated that the next Planning Commission meeting is a regularly scheduled one at 5:30 pm, and that they will not be taking public comment unless the Chairman changes his mind.

Mayor Gawlik remarked that the City has been doing its due diligence.

Mr. Worby responded that he is looking for ways to get more people engaged, and that the last meeting was a great meeting with a lot of discussion. He said that there's a bigger group of people who need to become aware of how big it is and how important it is.

Council Member Tierney commented that there was a pathetic turnout of voters in the last election.

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

2. Written

- a. July 2015 Monthly Report for Building Permits and Inspections, Animal Control and Code Enforcement
- b. Letter from Department of Ecology re: 2014 'Wastewater Treatment Plant Outstanding Performance' award to City of Selah Wastewater Treatment Plant

Mayor Gawlik thanked the Wastewater Treatment Plant crew for their diligence in making sure the water systems are clean before they go back out, and congratulated the for their hard work and recognition from the State.

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Williams moved, and Council Member Tierney seconded, to add M – 4 to the Consent Agenda. By voice vote, approval was unanimous.

Council Member Overby moved, and Council Member Williams seconded, to add N – 1 to the Consent Agenda. By voice vote, approval was unanimous.

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: July 28, 2015 Council Meeting
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 78818 – 78863 for a total of \$257,304.93
 - Claim Checks Nos. 66211 – 66284 for a total of \$123,439.63
- * 3. Resolution M – 1: Resolution Authorizing the Mayor to Sign a Professional Service Agreement with the Yakima Valley Sports Commission
- * 4. ~~Resolution M – 3: Resolution establishing August 25, 2015 as the public hearing date to consider the adoption of the “Selah Transit Development Plan”~~
- * 5. Resolution M – 4: Resolution Authorizing the Mayor to sign a letter to confirm continuing commitment to Project Match for the Valleyview Avenue/South Third Street/Southern Avenue Project’s Right of Way and Construction phases.

Council Member Overby 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

1. Carpet Installation Throughout City Hall

Assistant to the City Administrator Potter addressed K – 1. He said that he consulted with two local businesses for quotes to replace the carpet, and that Custom Tile Works came in approximately two thousand dollars lower than the other business. He noted that the price requested is more than the quote as the quote didn't include sales tax. He noted that the Public Works Department has been painting portions of City Hall as well, and that this will create a clean and safe office for the public and employees.

Council Member Tierney remarked that he assumes the line for tearing out carpet from the existing courtroom refers to the old one.

Assistant to the City Administrator Potter responded in the affirmative, saying that it will be turned into a conference room.

Council Member Overby commented that it's long overdue, and he's glad to see it happening.

Council Member Tierney moved, and Council Member Overby seconded, to approve the purchase and installation of new carpet throughout City Hall. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

L. Old Business

1. Extension of Municipal Code 10.24 Rewrite

City Administrator Wayman addressed L – 1. He said that, as discussed earlier, they are working diligently on the write, but the timeline has been extended by necessity, primarily due to a need for extended public comment. He recommended sixty days instead of his original request for thirty days, to allow for ample time for Council to review the matter after the Planning Commission has completed their final draft.

Council Member Overby asked if there was a statutory obligation to do in a certain amount of time.

City Attorney Noe replied in the negative, adding that the time limit was something Council wanted.

City Administrator Wayman restated that he would like to amend his request of an additional thirty days to sixty days' extension.

Council Member Overby wondered if they have an obligation to have a Planned Development provision at all.

City Attorney Noe responded that there is no legal requirement to have it.

Council Member Ritchie wondered if the repeal has impacted builders and developers.

Mayor Gawlik replied that anything on the desk when the chapter was repealed will still be considered, but nothing new will be on the new chapter is adopted.

City Administrator Wayman noted that there are no new applications pending.

Community Planner Durant remarked that there is one vested project still out there.

Council Member Tierney moved, and Council Member Overby seconded, to extend the deadline for the Municipal Code 10.24 Rewrite for an additional sixty (60) days. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

M. Resolutions

- * 1. Resolution Authorizing the Mayor to Sign a Professional Service Agreement with the Yakima Valley Sports Commission
2. Resolution Approving the Preliminary Plat of “Somerset II” (912.42.15-02) and Adopting Findings and Conditions of Preliminary Plat Approval

Council Member Sample recused himself, taking a seat in the audience during the discussion of Resolution M – 2.

Community Planner Durant addressed M – 2. He said that there is some question as to whether the copy of the staff report with handwritten notes is part of record.

City Attorney Noe remarked that it was brought to his attention that the version posted on the website includes a section with handwritten notes, which was not part of the record presented to the Hearing Examiner.

Community Planner Durant spoke briefly about the plat itself, and the Hearing Examiner’s recommendation to approve the plat with twenty-five conditions and have the private road be constructed to City standards. He said that staff is recommending approval with the conditions, but making changes to the private road as proposed. He noted that the Hearing Examiner had erroneously numbered two conditions as number nine, which was corrected on the Resolution.

Council Member Overby asked where he was referring to the recommendation of City standards.

Community Planner Durant responded that it’s at the bottom of page eighteen of the Hearing Examiner’s recommendation, reading aloud the specific section referring to the private access road.

Council Member Overby questioned if it was a recommendation or a condition.

Community Planner Durant responded that condition ten approved a private road with additional verbiage, but the second recommendation was to have the road meet the same standard as a public street.

Council Member Tierney inquired what standards the road would be built to if not those of public streets, as he doesn't want a developer to lay down a substandard base for that piece of roadway. He felt that it should be the same standards as a public street.

Community Planner Durant replied that the standard is in the International Fire Code.

Council Member Tierney remarked that it only pertains to width and turnaround, not the base and surface material, and a heavy vehicle could damage the road.

Fire Chief Hanna stated that the Fire Code refers back to local jurisdictions and doesn't actually call out thickness for roads, although it does mention carrying a certain weight load.

Public Works Director Henne commented that this came up because a standard roadway has a fifty foot right of way and this proposal was for a twenty foot road; the Hearing Examiner was referring to development standards, but the City has none for private roads aside from the Fire Code requirements.

Mayor Gawlik asked about compaction at the base.

Public Works Director Henne responded that they can require it to conform with development standards regarding compaction, gravel, and asphalt types.

Council Member Tierney expressed his desire to see it built to the same strength standards as City streets require, adding that his main concern is reliability and the ability of the street to withhold wear and tear of trucks.

Public Works Director Henne replied that the road will conform with the Fire Code and the City's development standards; they will impose design standards for a regular street.

Council Member Overby commented that private roads are not uncommon in Planned Developments. He wondered if there were any recent developments with a private road.

Public Works Director Henne replied that the only one he can think of was for Torkelson's subdivision off Southern Avenue. He noted that the applicant applied for a road that meets Fire Code standards.

Council Member Ritchie asked about residential street standards.

Public Works Director Henne stated that it is a fifty foot right of way, of which thirty-nine feet is the pavement width, with an eight foot parking lane, two curbs and a five foot sidewalk.

Council Member Ritchie observed that there was no plan for a sidewalk.

Public Works Director Henne said that she was correct.

Council Member Ritchie expressed concern about the road accommodating the number of cars that would access the residences as well as public safety for children walking along the road with vehicles.

Public Works Director Henne replied that Council could require a barrier curb and five foot sidewalk, splitting the right of way at thirteen and a half feet rather than ten.

Council Member Ritchie wondered if there would be any issues with lot coverage.

Community Planner Durant responded that lot coverage only includes buildings.

Council Member Ritchie asked if it covered driveways.

Public Works Director Henne replied in the negative, adding that typically roads aren't private so they have no concern about being part of the lots. He stated that this is unique as a request for a private road.

Council Member Williams wanted to know why it wasn't done as a public street to begin with.

Community Planner Durant responded that there was insufficient space to accommodate a public street, and the property doesn't lend itself to an additional tier of lots with a street between. He added that the alternative would be either bigger lots or long narrow lots, but the applicant considered this a better configuration to develop.

Council Member Williams questioned the lack of off street parking, no sidewalks, no alley standards, and the need for lots thirteen and fourteen to use the alley as well. She felt that allowing those two lots to use the private road should be stricken from the conditions.

Public Works Director Henne observed that it allows access to their rear yards.

Council Member Williams stated that no one else has that.

Community Planner Durant said that Council can restrict driveway approaches to the front on those two lots if they opt to do so.

Council Member Williams remarked that she isn't opposed to putting duplexes in the development, but she is concerned about having them in the back with only an alley for access. She would rather have them face Lyle Loop.

Public Works Director Henne reiterated that there would be a twenty foot private road.

Council Member Williams commented that there are no sidewalks and very limited parking, and that people would park on the street even with no parking signs posted. She referred to the Southern Avenue subdivision as an example.

Public Works Director Henne asked Fire Chief Hanna about the Southern Avenue subdivision regarding fire calls.

Fire Chief Hanna stated that the only calls in that development have been medical calls.

Council Member Tierney inquired if he was satisfied with the roads from a fire personnel perspective.

Fire Chief Hanna responded that the standard line is one hundred twenty-nine feet, and that the access road will be posted on both sides as no parking.

Council Member Overby wondered if the Police Department could issue tickets on a private road.

Police Chief Hayes replied in the affirmative.

Council Member Overby asked if it would be enforceable.

Public Works Director Henne responded that the code enforcement officer can issue a citation.

Council Member Ritchie inquired what would happen if they required a public street instead of a private one.

Mayor Gawlik told her that it would change the entire plat.

Council Member Ritchie wondered if he would need to go back through the entire process.

Community Planner Durant replied that he would probably have to reapply, as the City's Code doesn't allow for amending a Planned Development.

City Administrator Wayman observed that it can also be appealed in Superior Court.

Council Member Ritchie asked if code enforcement tickets would stand up in court.

City Attorney Noe responded in the affirmative, adding that it would go through municipal court as an infraction.

Council Member Ritchie inquired if her felt tickets could be issued on a private road.

City Attorney Noe replied in the affirmative, saying that the City issues infractions on private property all the time.

Council Member Ritchie asked if they've been issued for parking.

City Attorney Noe responded that he's not aware of any issued for that.

Public Works Director Henne remarked that they have been issued on private property for parking cars on grass or other issues; they are treated like any other citation but issued by code enforcement. He

noted that Fire Code states they will post 'no parking' signs on both sides, which are legally erected signs conforming with adopted code.

Council Member Tierney wondered if modifying condition ten regarding street width and design, and including a need for a sidewalk on one side, was allowed.

City Attorney Noe stated that they can choose to modify it, and that the developer can appeal if he doesn't agree with their conditions.

Community Planner Durant noted that condition ten specifically says 'subject to increased requirements imposed by Council'.

Council Member Tierney felt that it be a twenty foot street with a sidewalk, built to City standards regarding streets.

Community Planner Durant asked if he wanted a sidewalk along the entire length or just to the hammerhead.

Public Works Director Henne suggested that they bring it around to the end of the twenty foot private road.

Council Member Overby commented that the Hearing Examiner did spend a decent amount of time on the matter, and his analysis went into detail on why they don't want private roads.

Council Member Williams reiterated that there is inadequate parking for the people on those lots.

Community Planner Durant responded that there is room for two cars in each driveway plus a garage.

Council Member Williams expressed her concern that there is no overflow parking.

Community Planner Durant replied that they could park cars at the far end of lot twenty.

Council Member Tierney moved to amend recommendation number ten on the conditions of Preliminary Plat Approval to read as follows: That the private street roadway shall be constructed as a hard surface street, to specifications approved by the Public Works Director prior to the record of the final Plat. The street shall have a minimum surface width of twenty feet, and designed with a strength in compliance with that of the City of Selah's public streets, and shall include a sidewalk on at least one side.

Mayor Gawlik stated that the motion died due to lack of a second. He reminded those in attendance that this is a closed record hearing, and only those who submitted or gave testimony during the open hearing have the right to come forward to argue or rebut to the Council. He noted that they will be given five minutes each.

Roy Sample, 1304 Heritage Hills Drive, approached the podium and addressed the Council. He thanked the Hearing Examiner, Planning Commission and City Council for their work on his project, saying that

he knows how difficult this is. He stated that the idea behind this plan was due to the configuration of the land, explaining why it wouldn't work to place the duplexes where Council Member Williams has suggested. He noted that he discussed the project with Fire Chief Hanna, and that this project is similar to one on Goodlander Square, which also has private roads. He pointed out that there is additional parking right beside each driveway as well as additional spots at the end of the road and to the east. He stated that he has no problem complying with City standards as for road construction.

Council Member Williams felt he could put in a four foot sidewalk without impeding the percentage of coverage.

Mr. Sample replied that the easement doesn't come out of the area of the lot, which could make it more difficult to put in. He remarked that he has done over two hundred lots in Selah since 1980, along with others in Terrace heights and the West Valley area, which have included condominiums and commercial buildings, but none were built for rentals. He stated that he always wants to sell the units he builds.

Wayne Worby approached the podium and addressed the Council. He started off by reading a definition from 10.50 of the City's Code, saying that he doesn't feel this qualifies as a hardship per the definition of one, and that the City shouldn't roll over regarding their standards. HE referenced the Hearing Examiner's report as he talked about safety issues and the lack of information regarding traffic and pedestrian safety.

Council Member Williams wondered if the extra time could be given to those in the audience who provided written comment.

Mayor Gawlik replied that City Attorney Noe advised him to only allow those who gave testimony to come forward and make final argument.

City Attorney Noe stated that no additional testimony is allowed, and that written materials were provided in the packet.

Council Member Ritchie wondered if a twenty foot private road with curbs was required to have storm drainage.

Public Works Director Henne responded that it would drain off without a curb, but with curbs it would need storm drainage. He'd need to look at the road slope to determine if a storm drain was needed. He added that a motion similar to Council Member Tierney's would have the property inspected to see where the stormwater drained, then decide how to accommodate it.

Council Member Ritchie asked if it was something that needed to be part of the motion.

Public Works Director Henne replied that a twenty foot wide street with a curb, gutter, and sidewalk done to Fire Code and City standards would also cover storm drainage.

Council Member Overby noted that the Hearing Examiner recommended that it comply with City design standards.

Public Works Director Henne commented that that will cover it.

Council Member Overby remarked that the Hearing Examiner was referring to a thirty foot street with curb and sidewalk.

Public Works Director Henne stated that they don't have a development standard for private roads, but Council could impose the same standards regarding road integrity for public roads.

Council Member Ritchie asked if it was different because there were no design standards for private roads.

Public Works Director Henne commented that they are utilizing everything for development standards other than road width.

Community Planner Durant remarked that the Hearing Examiner's language recommended that the private access be constructed as a twenty foot access road meeting City design standards as determined by the Public Works Director.

Council Member Overby observed that the private road is easement, so it doesn't count against lot size. He felt that the Hearing Examiner seemed to be leaning towards the safety issue, and wondered if the lots would be developable if the road was designated as private but local access,

Public Works Director Henne commented that a typical traffic lane is about eleven feet wide, but the right of way is wider to provide parking on residential streets. He stated that there is no reason to be wider than twenty-two feet unless they are providing off street parking.

Council Member Overby inquired about the size if completed to City standards.

Public Works Director Henne responded that it would be a twenty-two foot road with no parking.

Council Member Overby asked for confirmation that a thirty foot width allows on street parking.

Public Works Director Henne replied that it is twenty-nine feet for a curb and sidewalk; typical travel lanes are eleven feet and turn lanes are twelve feet.

Council Member Williams wished there was an overhead map. She wondered what it would be if they went from twenty feet to thirty feet.

Public Works Director Henne responded that that going to twenty-nine feet would include a five foot sidewalk.

Council Member Williams asked if that would include the area to the north and south as well as the east and west to the hammerhead.

Public Works Director Henne replied in the affirmative.

Council Member Williams inquired about the width past the hammerhead.

Public Works Director Henne responded that it's just a gravel road.

Council Member Williams asked how wide.

Community Planner Durant said it is twenty feet.

Public Works Director Henne added that it was without a curb or sidewalk.

Council Member Williams expressed concern, feeling that the road serving the duplexes would be below City standard.

Council Member Overby commented that City standard assumes on street parking, adding that a twenty-two foot road would accommodate the back and forth traffic.

Public Works Director Henne agreed, saying that would be two standard travel lanes.

Council Member Overby stated that normal local access streets assume on street parking, and that without it the extra width isn't needed.

Public Works Director Henne noted that they would have to put up no parking signs.

Council Member Ritchie moved, and Council Member Overby seconded, to amend the second condition number nine to read: The private street roadway shall be constructed as a hard-surfaced street to specifications approved by the Public Works Director prior to recording the final plat. The entire private street shall have a minimum surface width of twenty-two feet, and shall be made in conformance to design and strength standards required of the City of Selah's residential streets, and shall include a five foot sidewalk on at least one side and a standard curb for the sidewalk.

Council Member Williams asked if that was adequate for fire trucks.

Fire Chief Hanna said that it would be the same as a twenty foot access road.

Mr. Sample said that he didn't understand the motion; currently there is an easement shown as a fire area with no parking, and that in order to put a sidewalk on one side the driving surface would be ten feet plus a curb and sidewalk, which would require sixteen feet on one side and twenty feet on the other. He asked which part of the road this applies to.

Council Member Ritchie responded that it applies to the entire private street.

Council Member Williams inquired if she also meant the easement on the east and west ends without the hash marks.

Council Member Overby requested discussion on the matter, saying that he wasn't thinking it included any more than what was designated as a private road, and that he was concerned with public safety regarding the inclusion of a sidewalk. He wondered if the private road will be paved.

Mr. Sample commented that a public road is a fifty foot right of way.

Council Member Overby responded that this would be twenty-nine feet with a curb, gutter and sidewalk.

Public Works Director Henne agreed, adding that it would change the easement from ten feet to fourteen and a half.

Council Member Overby noted that he was only envisioning the hashmarked area on the map.

Mr. Sample asked for confirmation that the areas to the east and west could remain at ten feet per side.

Council Member Overby reiterated that he was referring to the hashmarked area designated as a private road.

Council Member Tierney remarked that he doesn't like private roads, and that they pay good money to the Hearing Examiner to go through the process and make a recommendation. He read an excerpt from the Hearing Examiner's report and commented that it's appropriate that street widths comply with typical design requirements.

Public Works Director Henne noted that taking the motion and moving forward complies with local development standards without parking.

Council Member Overby observed that it was originally twenty feet and has been upped to twenty-two.

Council Member Tierney felt that an additional two feet doesn't make it an additional hardship because they are dealing with an easement rather than loss of property.

Council Member Ritchie noted that there is some disagreement as to whether it applies to only the hashed area or to the entire length.

Council Member Overby made a separate motion that included the original motion but amended it to apply only to the hashed area.

Mr. Worby wondered why Council was trying to find ways to bend the rules against the standards in place when the parcel had an approved plat already. He felt that this did not qualify as a hardship and that Council and staff were working too hard to make this work for the applicant.

Council Member Overby requested that he restrain his argument, as he didn't feel it appropriate.

City Attorney Noe stated that the Hearing Examiner has made his recommendation with certain conditions, and that Council has to have a reason to deviate from his recommendations. He recommended approval as proposed.

Council Member Williams thought it gave Council leeway to decide the size and scope of the private road.

Council Member Overby commented that he sees them approving with the conditions and considering the recommendation to consider some additional width on the private road.

Council Member Williams asked for confirmation that he's saying twenty-two feet on the private access road.

Council Member Overby responded that he could live with twenty feet since they are talking about driveways at that point.

Council Member Tierney said that the motion was twenty-two feet.

Council Member Overby replied that it was on the actual private road.

Council Member Williams thought it was thirty on the private road.

Council Member Tierney said that, if he understands what they is trying to do, that they are trying to change the verbiage of condition number ten to comply with street width and such, which really in effect approves the second²nd recommendation that isn't included in proposal with the exception of street width.

Council Member Overby felt they could do so and still follow the recommendation.

Mr. Worby suggested that it go back for further consideration, as he left holes for interpretation.

Council Member Overby thought that the conversation is about the vision of what would be additional standards.

Council Member Williams requested that the entertain an addition to the motion to amend condition number thirteen to limit driveway access for lots thirteen and fourteen to Lyle Loop Road, and have the rest of the sentence stricken.

Council Member Ritchie stated that she's meant the entire road but was willing to have it only include the hashed portion if they included lot twenty as part of the area to have a sidewalk, curb, and gutter.

Council Member Williams preferred the original motion to have it continue along the full width of the road.

Council Member Ritchie moved, and Council Member Tierney seconded, to amend the Hearing Examiner's recommendation as to second condition number nine to read as follows: The private street roadway shall be constructed as a hard-surfaced street to specifications approved by the Public Works Director prior to recording the final plat. The entire private street shall have a minimum surface width of 22 feet, and shall be made in conformance to design and strength

standards required of the City of Selah's residential streets, and shall also include, in addition to the twenty-two feet of roadway surface, a five foot sidewalk on at least one side and a standard curb connecting the sidewalk; and to amend what is marked as number twelve on the Hearing Examiner's report to read: Driveway access to Lots 13 and 14 shall be limited to Lyle Loop Road, striking what follows.

Council Member Overby clarified that the motion is for about the entire road, not just the hashed area.

Council Member Ritchie read aloud her motion one more time per Mayor Gawlik's request.

Roll was called: Council Member Overby –no; Council Member Tierney – yes; Council Member Sample – recused; Council Member Williams – yes; Council Member Ritchie – yes. Motion passed with three yes votes and one no vote.

Mr. Worby expressed concern about the private street as he felt people would be illegally parking along it during times when code people aren't working.

Police Chief Hayes responded that the entire road will be a fire lane, and that the Police Department has the same ability to enforce codes as code enforcement does, along with fire code violations.

City Attorney Noe noted that, if it's extended the way Council intends, it will be marked no parking.

Council Member Tierney moved, and Council Member Williams seconded, to approve the Resolution Approving the Preliminary Plat of "Somerset II" (912.42.15-02) and Adopting Findings and Conditions of Preliminary Plat Approval, with the addition of the amendment previously approved by Council. Roll was called: Council Member Overby –yes; Council Member Tierney – yes; Council Member Sample – recused; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

Council Member Sample resumed his seat at the table.

- * 3. Resolution establishing August 25, 2015 as the public hearing date to consider the adoption of the "Selah Transit Development Plan"
- * 4. Resolution Authorizing the Mayor to sign a letter to confirm continuing commitment to Project Match for the Valleyview Avenue/South Third Street/Southern Avenue Project's Right of Way and Construction phases.

N. Ordinances

1. Ordinance Amending the 2015 Budget for the Purchase of 107 W Selah Avenue

Clerk/Treasurer Novobielski addressed N – 1. He said that this is a budget adjustment to the current budget for the purchase of a property that will provide additional parking at the Civic Center and promote Park and Ride usage. He noted that the Mayor was Authorized to sign for the purchase of the property at the June 9th Council Meeting, which the City has since acquired.

Council Member Williams wondered if it would have the same surface as the rest of the parking area.

Public Works Director Henne responded that he's not sure, as he used all he had of that surface. He stated that it would be something similar.

Council Member Overby moved, and Council Member Williams seconded, to approve the Ordinance Amending the 2015 Budget for the Purchase of 107 W Selah Avenue. Roll was called: Council Member Overby –yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

O. Reports/Announcements

1. Mayor

Mayor Gawlik thanked the departments who participated in National Night Out, and congratulated the Wastewater Treatment Plant crew on their award.

2. Council Members

Council Member Ritchie stated that it was a great National Night Out.

Council Member Overby expressed his appreciation to the Public Works Department for the great distinction for receiving a Department of Ecology (DOE) award so many times.

Council Member Sample said that he would like to see a picture of how the Council wants him to do the street in his Planned Development.

Council Member Tierney said that he's been on the Council almost eight years, and every year the Wastewater Treatment Plant is awarded this by the DOE. He extended his thanks to them for continuing to do a good job, saying that they as a council need to make sure they reward them properly when the time comes. He remarked that he went to National Night Out, and complimented the Fire Department, Police Department, Public Works, and Parks for their efforts.

Council Member Williams said that she had no report on the Selah Park & Recreation Service Area Board, but they are working on getting final figures for the proposed pool for the bond issue. She thanked her fellow Council Members, Public Works Director Henne, and Community Planner Durant for the hard work they've done, and commented that she is looking forward to a retreat to discuss issues and continue to work on City codes.

3. Department

Public Works Director Henne felt that it was nice to recognize the Wastewater Treatment Plant guys for their efforts, as they do a good job ensuring that the City complies with discharge permits. He expressed his appreciation for passing the Resolution for the project he's trying to keep alive.

Community Planner Durant had no report.

Clerk/Treasurer Novobielski said that it's time to start thinking about the 2016 budget, noting that a calendar of the budget process was placed in each Council Member's box. He added that the Council and Department Head budget meetings are slated for October 20-22.

Recreation Manager Brown had no report.

Fire Chief Hanna said that they're continuing public education, which included participating in both National Night Out and the opening ceremonies for Relay for Life. He noted that July set a records for call volume with one hundred forty calls, of which twenty-three percent were overlapping.

Police Chief Hayes stated that National Night Out had a huge turnout, and read aloud a list of people he wished to thank. He commented that they are in the process of picking a 2016 Chief for a Day, and starting to hit people up for Polar Plunge donations. He noted that his department averages three hundred sixty calls per month.

Assistant to the City Administrator Potter said that the Yakima Training Center will be hosting an invitation only open house, and that they wish to have the City Department heads and Council Members attend. He noted that the event would run from ten am to two pm. And would give people a chance to view the Training Center facilities and see what they do.

City Administrator Wayman had no report.

City Attorney Noe had no report.

4. Boards

a. Planning Commission Minutes – July 21, 2015 Meeting

P. Executive Session

1. ~~30 Minute Session—Real Estate RCW 42.30.110(1)(b)~~ **REMOVED**

Q. Adjournment

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

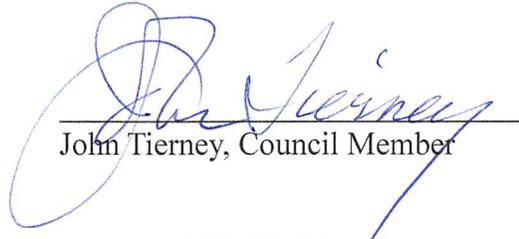
The meeting adjourned at 6:51pm.



John Gawlik, Mayor



Paul Overby, Council Member



John Tierney, Council Member

EXCUSED

Dave Smeback, Council Member

EXCUSED

Allen Schmid, Council Member



Roy Sample, Council Member

Jane Williams, Council Member



Laura Ritchie, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer