

City of Selah  
Council Minutes  
December 11, 2012

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: Keith Larson; Paul Overby; John Tierney; Kevin Jorgensen; Dave Smeback; Allen Schmid; Brooke Finch

Members Excused:

Staff Present: David Kelly, City Administrator; Bob Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Jerry Davis, Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jeff Hagler, Parks, Recreation & Tourism Director; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Council Member Overby led the Pledge of Allegiance. Pastor Jason Williams led the opening prayer.

D. Agenda Changes

Remove from Agenda:

1. K-1 New Business: Selection of a Mayor Pro Tempore for Calendar Year 2013

Add to Agenda:

1. Q-2a Executive Session: 20 Minute Session – Collective Bargaining RCW 42.30.140(4)  
(a)

Council Member Jorgensen announced his resignation from the Council. He said that he has maintained a residence in Selah as well as one in the Nile area for some time and had planned on relocating to the Nile within the next five years; however, a family member approached him recently about purchasing the Selah residence, so they have decided to sell it and move to the Nile residence in January. He went on to say that it has been a great honor and privilege to serve the citizens of Selah and learn what goes on behind the curtain of City government. He stated that he is pleased with the work that the Council has done during his terms of service, and that he is sad to leave but feels confident that Selah is in good hands.

Council Member Tierney remarked that he will be missed.

Council Member Larson echoed Council Member Tierney's comment.

Mayor Gawlik said that he has enjoyed working with him during his term as Council Member and as the Mayor, and that he has appreciated his candor. He commented that he will miss having him on the Council.

Council Member Schmid said that he is sorry to see him leave, as he has been a strong Council Member. He commented that the citizens appreciate what he has done during his terms of service.

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

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

G. Communications

1. Oral

Mayor Gawlik opened the Public Meeting.

Roy Sample, 1304 Heritage Hills Place, approached the podium and addressed the Council. He said that he had the privilege of attending the last two meetings regarding the proposed utility tax increase, and that he didn't appreciate people calling out those Council Members who were on the Council at that time. He felt that it was uncalled for; the Council Members worked with the best information they had available at that time. He noted that, when the Marudo land was purchased in 2002, the prevailing feeling was that real estate values would continue to climb. He added that one should also exercise due diligence prior to purchasing property, i.e. study the property before you buy it to see if it is suitable for the intended use. He felt that someone didn't do the due diligence, saying that he has yet to see an offer on commercial real estate that doesn't contain a feasibility contingency. He went on to say that the City then became a land developer, subject to the Bacon-Davis Act, which included paying the prevailing wages for the contractors as well as State taxes. He observed that it doesn't make sense to call out any one Council Member, noting that he ran for Council once and was beat out by his friend Herb Schmidt, but if he had been elected he would have been serving on the Council at that time. He stated that City Administrator Kelly did good job explaining the utility tax increase in the report that was sent out, but suggested that, in the interests of full disclosure, they explain the percentages and what the compound rate is rather than just adding them up.

Norma Smith, 906A Speyers Road, approached the podium and addressed the Council. She expressed her appreciation to Police Chief Hayes and his department, saying that she has never felt as protected as she does now. She observed that she sees Officers throughout the City and has heard many positive comments from other citizens regarding this. She thanked City Administrator Kelly for the wonderful forums, saying that she gained a lot of knowledge from them. She said that she mentioned to Mayor Gawlik that she has heard only positive comments regarding the forums and how well they were done. She thanked the Council, especially Council Member Schmid, for participating in the forums and explaining the issue to the citizens. She wished everyone a merry Christmas and happy holidays.

Mayor Gawlik remarked that, as elected officials, we have the responsibility to be answerable to the people; they are our boss and have a right to say what they feel. He commented that he thinks they heeded his request at the beginning of the last meeting not to stray too far afield.

Seeing no one else to speak, he closed the Public Meeting.

- 2. Written **None**
- H. Proclamations/Announcements **None**
- I. Consent Agenda

**Council Member Overby moved, and Council Member Larson seconded, to add Resolution M-5 and Ordinance N-1 to the Consent Agenda.**

Executive Assistant Lake read the Consent Agenda.

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

- \* 1. Approval of Minutes: November 27, 2012 Council Meeting
- \* 2. Approval of Claims & Payroll:
  - Payroll Checks Nos. 74848 – 74935 for a total of \$183,596.95
  - Claim Checks Nos. 61213 – 61279 for a total of \$104,536.71
- \* 3. Resolution M – 4 Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2013 Calendar Year
- \* 4. Resolution M – 5 Resolution Authorizing the Mayor to Sign a Contract with the Yakima Valley Conference of Governments (YVCOG) for Technical Assistance for 2013
- \* 5. Ordinance N – 1 Ordinance Amending the 2012 Budget for Miscellaneous Adjustments
- \* 6. Ordinance N – 4 Ordinance of the City of Selah, Washington, amending Selah Municipal Code section 1.06.010 relating to the times for regular City Council meetings

**Councilman Larson moved, and Councilman Jorgensen 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. Selection of a Mayor Pro Tempore for Calendar Year 2013  
**\*REMOVED FROM AGENDA\***
  - 2. Selection of 2013 YVCOG General Membership Designated Member and Alternate

Mayor Gawlik addressed K-2. He stated that Council Member Finch is the designated member at this time, with himself as alternate.

Council Member Finch said that she will relinquish it if someone else would like to take on the responsibility.

Council Member Larson asked if she would be willing to serve another term if selected.

Council Member Finch replied in the affirmative.

**Council Member Schmid moved, and Council Member Smeback seconded, to Nominate Council Member Finch as the YVCOG General Membership Designated Member and Mayor Gawlik as the Alternate. By voice vote, approval was unanimous.**

### 3. Council Member Assignments to City Boards and Committees for Calendar Year 2013

Mayor Gawlik addressed K-3. He noted that the list includes assignments that will be vacated by the departure of Council Member Jorgensen, and listed the five committees he served on.

Council Member Jorgensen remarked that Parks, Recreation & Tourism Director Hagler does most of the work on these.

Mayor Gawlik asked for volunteers to fill the vacant positions.

Council Member Schmid commented that the Lodging Tax Advisory Committee (LTAC), the Tourism Promotion Area Board (TPA), the Parks & Recreation Board, and the Selah Parks & Recreation Service Area Board (SPRSA) all fit into one category, which is why Council Member Jorgensen served on all of them.

Council Member Smeback wondered if we need to have two Council Members serve on both the Parks & Recreation Board and the SPRSA.

Council Member Schmid replied that we are required by statute to have two Council Members on the SPRSA.

Council Member Larson thought that the Parks & Recreation Board might not require two members.

Council Member Jorgensen asked Council Member Schmid if there was a conflict that would prevent him from continuing on the Parks & Recreation Board.

Council Member Schmid replied in the negative.

Mayor Gawlik asked for clarification from the Council that they would like to change the number of Council Members assigned to the Parks & Recreation Board from two to one.

Council Member Smeback responded in the affirmative.

Council Member Jorgensen said that Parks, Recreation & Tourism Director Hagler should have the final say, but felt that one person has been adequate.

Parks, Recreation & Tourism Director Hagler replied that he was fine with changing to one member.

Council Member Tierney inquired how often Council Member Schmid had attended Parks & Recreation Board meetings this year.

Council Member Schmid replied that he attended roughly half of the meetings, as Council Member Jorgensen was the head for the Council.

Council Member Tierney then asked if he would be willing to take over the position to maintain the continuity.

Council Member Schmid responded in the affirmative.

**Council Member Tierney moved, and Council Member Jorgensen seconded, to remove one Advisory Member Council Position from the Parks & Recreation Board, leaving one Advisory Member Council Position on said Board. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes. By voice vote, approval was unanimous.**

Mayor Gawlik stated that Council Member Schmid will be the Council's representative to the Parks & Recreation Board, and then asked if he would take on the other Board assignments as well.

Council Member Schmid replied that he would do so if no one else is willing to.

Council Member Smeback commented that he would take over the open positions on the LTAC and the TPA Boards.

Council Member Schmid observed that the LTAC and the TPA Boards could be one person.

Council Member Jorgensen remarked that they are actually one group for both Boards.

Council Member Tierney inquired about the time commitment needed for the Yakima Valley Visitors & Convention Bureau (YVVCB) Board.

Council Member Jorgensen replied that it is one lunch a month, on a Wednesday.

Council Member Schmid volunteered to fill the vacancy on the SPRSA Board, saying that it ties in with the Parks & Recreation Board.

Parks, Recreation & Tourism Director Hagler asked Council Member Larson if he would continue to serve on the SPRSA Board as well.

Council Member Larson responded in the affirmative.

Mayor Gawlik reiterated that Council Member Larson will remain on the SPRSA, and Council Member Schmid will fill the vacant position. He asked if the LTAC Board position had been addressed.

Council Member Smeback stated that he will take over both the LTAC Board and the TPA Board.

Council Member Jorgensen felt that he would be a good fit for those Boards.

Council Member Larson agreed.

Council Member Tierney said that he will take the YVVCB Board position.

Mayor Gawlik asked if those members serving on the Finance Committee would like to continue in that capacity.

**Council Member Schmid moved to keep the three Council Members currently serving on the Finance Committee for 2013.**

Council Member Tierney observed that the Finance Committee is a good place to learn about the finances of the City and how the money is spent, which allows the Council Members to act in a more informed manner when dealing with issues. He said that if anybody would like to step in and guide the finances of the City through leadership from City Administrator Kelly and Mayor Gawlik, he would not object to stepping down.

Council Member Schmid wondered if it would be beneficial to leave a Finance Committee position open for the new Council Member.

Council Member Tierney commented that it was a good idea.

Mayor Gawlik asked City Attorney Noe for his thoughts on whether the position can be left open until a new Council Member is selected.

City Attorney Noe responded that it is a City committee.

Council Member Overby said that he would be willing to fill in one of those positions.

Council Member Larson remarked that it is a good experience, saying that one of the main responsibilities is to review the monthly billings. He observed that it makes one ask questions you wouldn't otherwise vocalize. He noted that he has been serving on the Finance Committee for fifteen years.

Council Member Jorgensen said that he feels Council Member Overby would be a great addition to the Finance Committee.

Council Member Larson agreed, saying that it would be a great opportunity for anyone and he feels it is someone else's turn to step up.

Mayor Gawlik noted that Council Member Overby indicated he would take over one of the positions.

Council Member Jorgensen added that when the new Member is selected that person can fill the remaining slot.

Council Member Finch remarked that she enjoys serving on the Finance Committee and doesn't mind continuing in that capacity.

Mayor Gawlik stated that Council Member Finch will remain on the Finance Committee, Council Member Overby will replace Council Member Larson, and Council Member Tierney will remain on the Committee until Council Member Jorgensen's replacement has been selected.

**Council Member Schmid withdrew his motion.**

Mayor Gawlik moved on to the Civic Center Board.

Council Member Larson said that he has been on that Board for a long time and wouldn't mind if someone else wanted to step in. He added that it is a pretty low maintenance Board, with meetings once or twice a year. He noted that he will still be involved in Civic Center projects.

Council Member Overby indicated his willingness to step into the position.

Council Member Larson commented that it would be good to get some new blood in there.

Mayor Gawlik stated that Council Member Larson will step aside, and Council member Overby will fill his spot on the Civic Center Board.

Council Member Tierney commented that he thought that Council had reduced the Boards and Committees down to one standing committee earlier in the year.

Council Member Schmid observed that these are outside meetings.

Council Member Larson remarked that these aren't internal Boards.

Mayor Gawlik asked what he was suggesting.

Council Member Tierney said these aren't committees, but rather meetings they are assigned to attend.

Council Member Schmid stated that these positions are City Council representatives at the meetings.

Council Member Larson observed that these are different that Council sub-committees.

Mayor Gawlik noted that item number eight, the SPRSA Board, will have Council Member Schmid stepping in to replace Council Member Jorgensen, and asked Council Member Larson if he would continue to serve as well.

Council Member Larson agreed to continue serving on the SPRSA Board.

Mayor Gawlik moved on to the Selah C.A.N. Board.

Council Member Schmid said that, like Council Member Larson on other Boards, he has been serving on this Board since its inception, even when he was not a Council Member. He went on to say that if someone else would like to attend, he would be happy to step down. He noted that they meet approximately five times a year, and are responsible for the Teen Center.

Council Member Smeback suggested placing the new Council Member on that Board.

Council Member Tierney agreed.

Council Member Schmid agreed to stay on until the new person is chosen.

Mayor Gawlik moved on to Yakima Transit.

Council Member Overby said that he is willing to stay on that Board, as they meet rarely.

Council Member Larson opined that it is good to keep him on that Board, and noted that he appreciates the updates.

Mayor Gawlik moved on to the Solids Waste Advisory Committee.

Council Member Overby commented that the Solid Waste Advisory Committee was brought together by Yakima County to do their long-term solid waste plan for the County. He noted that it hasn't met for a long time and that it could be removed from the list.

**Council Member Tierney moved, and Council Member Smeback seconded, to remove the Solid Waste Advisory Committee from the Council Boards and Committees List. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes. By voice vote, approval was unanimous.**

Mayor Gawlik moved on to the Valley Mayors Association. He observed that they haven't had a meeting since June or July.

Council Member Schmid remarked that they keep canceling it.

Mayor Gawlik commented that the same ones show up each time, and that the Mayor of Grandview suggested that they cease meeting all together. He noted that it wasn't a formal group, but rather a loose-knit organization that got together to exchange thoughts and ideas.

Council Member Tierney commented that it's unfortunate.

Mayor Gawlik agreed, saying that he felt it was a very good line of communication.

Council Member Tierney opined that it is a better line of communication than YVCOG, and that it would be unfortunate to see it go downhill.

Council Member Schmid said that it was put together a few years ago when there were some issues within the Valley, such as 911 and growth management, which dealt with all the communities. He felt that it was a good forum to pass around information, and that he really hates to see this go by the

wayside. He remarked that, even after a lot of issues were resolved, it was still a good sounding board for what was happening around the Valley.

Council Member Tierney observed that it would be akin to Police Chief Hayes not having access to law enforcement meetings in the County any longer, as it's a great source of information and the sharing of ideas. He suggested that Mayor Gawlik could write a letter to the other Mayors to encourage them to reinvigorate the process for the sharing of ideas and to help each other out.

Council Member Schmid commented that the Mayor of Grandview is the current chairman; he has sent out letters and tried various things to get greater attendance. He liked the idea of Mayor Gawlik sending out letters as well.

Council Member Tierney opined that we can't live in our own little cocoon.

Mayor Gawlik agreed to work on a letter to the other Mayors in the next few weeks. He moved on to the Fire Commissioners Board.

Council Member Smeback stated that he would like to stay on the Fire Commissioners Board.

Mayor Gawlik then moved on to the Selah Chamber of Commerce.

Council Member Finch said that she has a two year commitment to them.

Mayor Gawlik moved on to the Selah School District Board.

Council Member Smeback agreed to remain on the Board.

Council Member Finch agreed to remain on the Board.

Mayor Gawlik moved on to the Yakima Valley Gang Commission.

Council Member Larson inquired if it was active.

Council Member Schmid replied in the affirmative, saying that they meet every month. He noted that they are very active in dealing with a lot of issues we don't have in Selah.

Council Member Tierney thanked Police Chief Hayes.

Council Member Schmid said that we can thank the Police Department and the community that we don't have the issues that other places have. He noted that he has been going since the inception, and if someone else would like to step in and do it that would be fine; otherwise, he will continue on with it. He commented that it is a worthwhile group and that they are very involved with legislation on gang issues.

Mayor Gawlik wondered if they were responsible for the gang court.

Council Member Schmid replied in the affirmative, saying that their gang court is used as a model around the State and likely around the country. He reiterated that they are very active and do a lot of good. He observed that he should give a report after each meeting, saying that there is a lot going on. He

noted that they have received funds from the Gates Foundation and are involved with the juvenile courts system.

Council Member Tierney asked how long he has served on the Commission.

Council Member Schmid replied that he has served since its inception approximately four years ago, noting that he was appointed to serve by the previous Mayor prior to being selected as a Council Member. He said that he has no problem with continuing to serve on the Commission.

Mayor Gawlik noted that the last item on the list, the Naches-Selah Irrigation District, was dealt with at the previous Council Meeting.

Council Member Tierney said that when he came on the Council he served on the YCVOG Board and learned quite a bit, the Mayor served on it when he joined the Council, and Council Member Finch has served on the Board since her appointment. He suggested that the new Council Member serve as an alternate instead of Mayor Gawlik.

L. Old Business **None**

M. Resolutions

1. Resolution Revising Rates for Water Utility Services

Clerk/Treasurer Novobielski addressed M-1. He said that this Resolution is to establish the 2013 water rates, based upon the development of 2013 budget and the recent change in the City's utility tax. He went on to say that this proposal shows the water rates reduced by ten percent for all classes of customer, and cited an example using a basic billing amount of three hundred cubic feet of water, currently billed at fifteen dollars and twenty-nine cents, which will be reduced to thirteen dollars and twenty-six cents. He noted that an individual watering their yard in the summer is likely to use forty cubic feet of water and that their bill will change from fifty-six dollars to fifty dollars after the reduction.

Council Member Larson inquired about low income disabled and low income senior s.

Clerk/Treasurer Novobielski responded that the imposed revision to the utility tax will not apply to low income seniors and low income disabled; their total water bill will go down twenty percent and result in a savings to them.

City Administrator Kelly commented that we will be lowering the rate by ten percent for everyone and then adding in the utility tax increase.

Council Member Larson asked for confirmation that the City will not be imposing a utility tax upon the low income seniors and low income disabled.

Clerk/Treasurer Novobielski replied that that is his understanding of the tax.

City Administrator Kelly disagreed, saying that it was a comment in the prior meeting that was suggested, but not voted upon.

Clerk/Treasurer Novobielski said that that brings us back to our original plan.

Council Member Larson observed that staff was directed to go this route; however, there was some discussion at the last meeting regarding low income disabled and low income seniors.

City Administrator Kelly remarked that he discussed this with Clerk/Treasurer Novobielski after the last meeting; we currently have twenty-seven people on the low income senior and low income disabled program. He went on to say that, if Council opts not to raise utility rates for those in the low income program, it would cost the City approximately one thousand dollars per month, or roughly twelve thousand per year. He finished by saying that Council will need to decide whether to leave them where they are at or to lump them together with everyone else.

Council Member Larson inquired if the thousand dollars per month is based on reducing their utility charges by ten percent and not imposing the twenty percent utility tax increase.

Clerk/Treasurer Novobielski replied that he didn't feel that it will be as high as one thousand dollars per month.

City Administrator Kelly said that it will be a small cost to the City to decide not to raise the rates at all.

Council Member Tierney remarked that the audience brought this up several times at the last meeting, and that it was decided to discuss the issue at this meeting.

City Administrator Kelly clarified that this would only apply to low income seniors and low income disabled.

Council Member Jorgensen felt that it was pretty well spelled out in the Resolution.

Council Member Larson commented that the way it is written it reduces rates for low income seniors and low income disabled.

Mayor Gawlik wondered if this would need to be voted on as a separate item.

Clerk/Treasurer Novobielski deferred to City Attorney Noe, saying that he revised the Resolution after the last Council Meeting.

City Attorney Noe stated that the rate reduction includes the low income seniors and low income disabled, and that the utility tax being imposed applies to all of them as well. He went on to say that, if the Council desires to carve out an exception for those in the low income program, it would require an amendment of the Ordinance.

Mayor Gawlik inquired if the Resolution as presented would satisfy the citizens' requests from the last meeting.

Clerk/treasurer Novobielski replied that that was on the utility tax, while the Resolution currently before Council deals with the water rates.

Council Member Tierney remarked that they are hand in glove.

City Attorney Noe responded that the net impact on the low income seniors and low income disabled is the same as to anyone else; if Council desires to not have them impacted at all then an amendment will need to be made to the Ordinance.

Council Member Larson suggested reducing their rates even more so that imposing the utility tax rate leaves them at approximately the same amount.

Council Member Jorgensen commented that that would address his concerns, as he concerned about exempting any class.

City Attorney Noe replied that it would make more sense to further reduce the rate rather than exempting them from the tax.

Council Member Larson agreed.

City Administrator Kelly asked for clarification on whether they were suggesting to reduce the utility tax or the rates.

Council Member Larson noted that the Resolution could be approved as is, with the stipulation to come back with a different rate for that one group.

City Administrator Kelly clarified that the City would reduce their utility rate so that there is no net impact to their current bill.

City Attorney Noe remarked that it's just a matter of math.

Council Member Smeback asked if the nine dollars and eighty-eight cents a month stated in the Resolution would be lowered to make a net zero effect.

Council Member Larson replied in the affirmative, noting that it's better to have a specific number that gets approved.

Clerk/Treasurer Novobielski said that he had been under the impression that this was approved when the utility tax was passed.

Council Member Jorgensen wondered what they should do with the Resolution presented.

City Attorney Noe recommended that they pass it with a modification reflecting no changes to the low income seniors and low income disabled.

City Administrator Kelly said that we will adjust the rate so that there will be no net impact to those twenty-seven individuals in the low income program.

**Council Member Jorgensen moved, and Council Member Smeback seconded, to approve the Resolution Revising Rates for Water Utility Services with an Amendment to the Resolution to allow for a Zero Net Impact in both Low Income Senior and Low Income Disabled Utility Rates. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council**

**Member Schmid – no; Council Member Finch – yes. Motion passed with six voting yes and one voting no.**

2. Resolution Revising Rates for Sewer Utility Services

Clerk/Treasurer Novobielski addressed M-2. He said that it is a similar adjustment to the water rate, with a reduction of ten percent. He went on to say that it is a flat rate of thirty-eight dollars and eighty-four cents, which would be reduced to thirty-four dollars and ninety-six cents. He noted that seniors are currently charged twenty-five dollars and ninety-three cents per month, and that the ten percent reduction originally envisioned might need to be amended like the water rates.

Council Member Finch asked if he was talking about the low income seniors.

Clerk/Treasurer Novobielski replied that it is low income seniors and low income disabled households with an annual income of fifteen thousand dollars or less per calendar year, noting that the City only counts two-thirds of pension and Social Security.

Council Member Schmid said that he is not too clear on what was just done regarding the water rates. He wondered if we were dealing with just the reduction not the increase.

Council Member Tierney replied in the affirmative.

Clerk/Treasurer Novobielski responded that it is a reduction the rate for water and sewer.

Council Member Schmid then asked when they would be bringing back the change in the utility tax rate increase.

City Attorney Noe replied that it was passed at the previous meeting.

Clerk/Treasurer Novobielski remarked that we have taken action on the utility tax, which is applicable to all customers.

City Attorney Noe noted that it is effective on January first.

Council Member Schmid wondered if there was a reason why we did not put in a hard sunset.

City Attorney Noe replied that there is a sunset.

Clerk/Treasurer Novobielski responded that it is a hard sunset of ten years.

Council Member Schmid observed that if the debt is paid off earlier we aren't ending it prior to ten years, but instead are using the money for other things. He expressed opposition to that, saying that it will continue bringing in money even though the direction was to sell off property and pay off the debt as soon as possible.

Clerk/Treasurer Novobielski said that the fifteen percent increase will have a maximum life of ten years, and if the debt service is paid off and the reserves are restored by one point two million dollars prior to ten years it will end.

Council Member Schmid opined that we won't hit that before ten years' time.

City Administrator Kelly responded that mathematically we will.

Council Member Schmid commented that it will be past what we will be able to pay off with the original bonds.

City Administrator Kelly said that he didn't follow.

Council Member Jorgensen remarked that the interest has to be paid.

Council Member Schmid commented that we did not put in a hard sunset; he feels that when the interest and debt of the Marudo property is paid off the City should cease taking the fifteen percent increase in the taxes. He noted that he did not didn't vote yes on the utility tax increase because the tax was continued until we have built the up the reserves again.

Council Member Jorgensen responded that the reserves are only to be built back up to the amount removed to pay the Marudo property debt.

City Attorney Noe remarked that the majority of Council opted to vote this in.

Clerk/Treasurer Novobielski asked for clarification regarding the low income senior and low income disabled rates, asking if Council desires to have them stay at the same rate they are currently paying.

Council Member Tierney replied that it should be as close as he can get it to the current amount.

**Council Member Larson moved, and Council Member Jorgensen seconded, to approve the Resolution Revising Rates for Sewer Utility Services with an Amendment to the Resolution to allow for a Zero Net Impact in both Low Income Senior and Low Income Disabled Utility Rates. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Schmid – no; Council Member Finch – yes. Motion passed with six voting yes and one voting no.**

### 3. Resolution Revising Rates for Solid Waste Collection Services

Clerk/Treasurer Novobielski addressed M-3. He said that this one is slightly different from the water and sewer rates, as they are proposing a sixteen point six percent reduction rather than the ten percent reduction of water and sewer rates. He noted that they have same issue here with the low income seniors and low income disabled accounts. He went on to say that a residential sixty gallon garbage can, currently fourteen dollars and seven cents, would be reduced to eleven dollars and seventy-two cents, while a commercial account with one yard bin and once a week pick up would go from fifty-six dollars and twenty-five cents to forty-six dollars and eighty-seven cents, or with twice a week pick up would go from one hundred twelve dollars and fifty cents to ninety-three dollars.

Council Member Overby asked for confirmation that the City can't reduce the base rates for Yakima Waste customers.

City Attorney Noe replied in the affirmative, saying that this only applies to the City-operated Basin Disposal residents.

Council Member Larson asked that the motion include the amendment for the low income seniors and low income disabled.

**Council Member Overby moved, and Council Member Jorgensen seconded, to approve the Resolution Revising Rates for Solid Waste Collection Services with an Amendment to the Resolution regarding Low-income Seniors and Low-income Disabled rates. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Schmid – no; Council Member Finch – yes. Motion passed with six voting yes and one voting no.**

- \* 4. Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2013 Calendar Year
- \* 5. Resolution Authorizing the Mayor to Sign a Contract with the Yakima Valley Conference of Governments (YVCOG) for Technical Assistance for 2013
- 6. Resolution authorizing the Mayor to sign an Interlocal Agreement for Transit Services with City of Yakima / Yakima Transit effective January 1, 2013 through December 31, 2018

City Administrator Kelly addressed M-6. He said that the City had a prior agreement with Yakima Transit that lasted for approximately the same amount of time. He went on to say that, during discussions with Yakima Transit, they proposed a one year agreement but agreed to a multi-year agreement with a one hundred twenty day out clause for either party, which includes an annual increase along with a new Selah stop on the Ellensburg-Yakima route.

Public Works Director Henne added that Yakima Transit is looking to stop the Ellensburg line in March of 2013, and utilize the transit company in Ellensburg for that route. He added that they felt that if they could stop in Selah without taking more than seven minutes off the route they could accommodate that, and a week or so ago they decided that they could add in the Selah stop. He noted that the tentative park and ride location would be at church in town, which the church members will discuss on Sunday to determine whether they are okay with their parking lot being utilized as a park and ride spot during the week. He commented that the City would pay them out of the Transit fund, and that the church leaders have indicated that they are in favor of the idea.

Council Member Tierney inquired if the City would pave their parking lot, on private property, in exchange for using it as a park and ride.

Public Works Director Henne responded in the affirmative, saying that he is waiting to hear back from the church as to whether they would like to go forward with this.

Council Member Larson stated that the City would use Transit funds for this.

Council Member Tierney remarked that it is still public monies.

Public Works Director Henne reminded Council that they discussed this during the budget process.

City Administrator Kelly added that the difficulty with this lies in the need to have it on a main thoroughfare for the folks utilizing the service, but properties along the route are already occupied by businesses; this is a mutually beneficial alternate solution for the issue as the City doesn't have available property to pave for this purpose.

Council Member Tierney wondered if using the Civic Center parking lot was off the table.

Public Works Director Henne replied it is not along the desired route.

Council Member Tierney commented that it was likely due to the new bypass route.

Public Works Director Henne responded in the affirmative.

Council Member Smeback expressed concern over the seventy percent increase in Transit costs from 2002 to the present year, saying that the buses still run ninety percent empty. He remarked that if seventy-five people use the route on a regular basis that the City pays approximately thirty-seven hundred dollars a year per person for the Transit services, and it bothers him that citizens are paying so much for a service being utilized by only a few people.

City Administrator Kelly observed that the City could get out of the contract at any point in time if we provide them with one hundred twenty days' notice. He said that he understands the concern expressed by Council Member Smeback regarding the financial aspect.

Council Member Overby pointed out that the tax was enacted by a direct vote of people to both approve this tax increase and contract specifically with Yakima Transit to provide this service. He commented that to try to get out of the contract it would have to go back to people for a vote to repeal what has already been approved.

Mayor Gawlik said that there are two separate issues at hand, one being the extension of the Yakima Transit contract and the other being the addition of a Selah stop along the Ellensburg-Yakima route with a designated park and ride area.

City Administrator Kelly remarked that he is unsure why the amount the City is paying has increased so dramatically over the last ten years, and suggested a future Study Session to discuss the matter.

Council Member Smeback felt that this is an example of what happens when government provides a service; it starts out innocently enough but keeps growing as one adds additional service to the original plan.

Council Member Overby noted that the City would be sitting on over half a million dollars in Transit funds if they had opted not to expand services.

Council Member Larson said that they weren't sure how much funding would be available for services initially, which is why the Council opted to expand services after the first year to match the revenues coming in more closely.

Council Member Smeback expressed concern that the City went to the people and asked for an increase in tax for these services, and is trying to use every cent of that money rather than scaling back services to adequately serve the community and give back a percent and a half of the tax increase.

Council Member Overby agreed.

Council Member Tierney stated that he is opposed to the expenditure of public funds of any kind to benefit a private entity, which would include paving the church's parking lot.

Council Member Jorgensen replied that he felt it was adequate compensation for use of their property.

Council Member Tierney said that if the City chose to cancel the agreement with Yakima Transit in one hundred twenty days, then all we would have accomplished would have been to pave the parking lot for the benefit of the church.

City Administrator Kelly acknowledged that as a valid point, and said that it will come back before the Council to address their questions and concerns before the City enters into an agreement with the church.

Council Member Overby commented that any cancellation of transit services would have to go back before the people for a vote before the City could cancel the contract with Yakima Transit.

City Attorney Noe agreed, noting that it was a voter-passed tax.

Public Works Director Henne remarked that, while we could cancel the contract with Yakima Transit, the City is still liable to provide a transit service to the citizens.

Council Member Overby disagreed, saying that we don't have that option.

City Attorney Noe agreed, saying that our tax specifically states Yakima transit will provide the services.

Council Member Overby commented that we are committed to this unless we opt to take it back out to the voters, and noted that we aren't committing to any specific level of service, merely committing to a level of service that can be changed on an ad hoc basis. He felt that, if Council opts to reduce the level of service provided, it must go along with a reduction in sales tax if we don't need it. He suggested inviting Yakima Transit to come in and discuss options.

City Administrator Kelly replied that they are willing to come in and discuss any options for service that the Council would like to provide to its citizens, and that it depends on what the Council would like to do. He went on to say that this agreement formalizes the City's relationship with Yakima Transit, reiterating that we have a one hundred twenty day out clause.

Council Member Jorgensen wondered if it locked us into any particular level of service.

City Administrator Kelly responded that it locks us into the current level for one hundred twenty days, as they would like the bus schedule to stay the same until the next schedule comes out.

Council Member Jorgensen asked for confirmation that the level of service is adjustable during the length of the contract.

City Administrator Kelly replied in the affirmative, adding that if we had a Study Session within the next month or so the level of service could be adjusted prior to the next bus schedule being published.

Council Member Jorgensen asked if Council could bring this back to the voters for a change in the tax amount, while keeping the current service until it was approved.

City Administrator Kelly answered in the affirmative.

**Council Member Jorgensen moved, and Council Member Larson seconded, to approve the Resolution authorizing the Mayor to sign an Interlocal Agreement for Transit Services with City of Yakima / Yakima Transit effective January 1, 2013 through December 31, 2018. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Schmid – yes; Council Member Finch – yes. By voice vote, approval was unanimous.**

7. Resolution Authorizing an Interfund Loan For Payment of 2012 Marudo Property Debt Service

Clerk/Treasurer Novobielski addressed M-7. He explained that the manner in which we adopted the 2012 budget, which provided for the 2012 annual debt service, was to fund the payment from the water, sewer, and solid waste funds. He went on to say that, after City Administrator Kelly came on board and learned of this feature in budget, he pursued the matter with the State Auditor and was advised that it was inappropriate to use utility funds in this manner, as they are for utilities only and not for the general debt of the City. He said that an alternate proposal is that the General Fund be the funding source, with one hundred thousand dollars coming out of the General Fund and three hundred thousand dollars being provided through an interfund loan that will be repaid over a three year period. He noted that the interfund loan would be one hundred fifty thousand dollars out of both the water fund and the sewer fund.

**Council Member Tierney moved, and Council Member Smeback seconded, to approve the Resolution Authorizing an Interfund Loan for Payment of 2012 Marudo Property Debt Service. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Schmid – yes; Council Member Finch – yes. By voice vote, approval was unanimous.**

#### N. Ordinances

- \* 1. Ordinance Amending the 2012 Budget for Miscellaneous Adjustments
2. Ordinance Establishing the 2013 Salary Schedule for Management, Confidential and Unrepresented Employees

Clerk/Treasurer Novobielski addressed N-2. He said that this Ordinance will establish the salary rates for full-time positions, as well as the hourly positions for the Parks Department and the pool. He commented that the only person to receive an increase is the building inspector /code enforcement officer. He briefly reviewed the annual fiscal impact and noted that he neglected to mention the upcoming change in hourly rates, as Washington State will be increasing minimum wage in 2013. He noted that Parks, Recreation & Tourism Director Hagler analyzed the various hourly positions in his department, and some positions will be receiving a fifteen percent increase next year.

**Council Member Larson moved, and Council Member Overby seconded, to approve the Ordinance Establishing the 2013 Salary Schedule for Management, Confidential and Unrepresented Employees. Roll was called: Council Member Larson – yes; Council Member Overby – yes;**

**Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes. By voice vote, approval was unanimous.**

3. Ordinance Adopting the Budget for the City of Selah, Washington for the Year Ending December 31, 2013

Clerk/Treasurer Novobielski addressed N-3. He stated that this is the final process to enact the 2013 budget. He reviewed the overall level of expenditures for 2013, which came to thirteen million one hundred seventy four thousand dollars, and noted that at the beginning of 2012 that total was fifty-four thousand less than in the 2013 budget.

**Council Member Tierney moved, and Council Member Finch seconded, to approve the Ordinance Adopting the Budget for the City of Selah, Washington for the Year Ending December 31, 2013. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Schmid – no; Council Member Finch – yes. Motion passed with six voting yes and one voting no.**

- \* 4. Ordinance of the City of Selah, Washington, amending Selah Municipal Code section 1.06.010 relating to the times for regular City Council meetings

O. Communications

1. Oral

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

P. Reports/Announcements

1. Mayor

Mayor Gawlik stated that he has a couple invitations for the Council. He said that the first one is for the monthly YVCOG meeting tomorrow night at 6:30 pm in Sweet Beez' new location; the YVCOG Board has extended an invitation to all Selah Council members as the event is hosted by Selah this month. He noted that he will be speaking at the event about tourism and we will also be showing the final cut of the Today in America video. He said that the second invitation, from Carl Paston, is for a tour of the trolley powerhouse and barn, along with a trolley ride, on December 15<sup>th</sup> at 9:30am. He noted that it is well worth the tour and ride, and requested that anyone who wishes to attend let him know so he can notify the trolley folks. He stated that this will be the last Council Meeting for 2012, and offered his sincere thanks to the both the Council and City staff for their hard work and accomplishments the last twelve months. He wished everyone a merry Christmas.

2. Council Members

Council Member Finch told Council Member Jorgensen that he will be missed.

Council Member Schmid concurred with Council Member Finch's comment. He remarked that he has contributed funds to Police Chief Hayes' cold water jump in January.

Council Member Tierney commented that it's too cold to even go watch.

Mayor Gawlik said that he gave Parks, Recreation, & Tourism Director Hagler a bad time about running in the cold but he has no words for Police Chief Hayes.

Police Chief Hayes replied that for him it is easier to jump into cold water than it is to run a 3K.

Council Member Smeback remarked that it is over in seconds.

Council Member Schmid wished everyone a merry Christmas, and expressed his wish for a safe journey to all friends and families traveling this season.

Council Member Overby commented that he will also miss Council Member Jorgensen.

Council Member Smeback wished everyone a happy New Year and a merry Christmas, and said that he will also miss Council Member Jorgensen.

Council Member Jorgensen stated that it has been a wonderful experience and he is excited for the City of Selah, although he is sad that this is his last Council Meeting as a Council Member. He expressed his thanks to City Administrator Kelly for taking on a tough situation. He commented that he wishes it were easier, but feels that the City's 2013 budget is a good one for next year.

Council Member Larson said that the other Council Members have already expressed his thoughts. He told Council Member Jorgensen that he will be missed, that he has valued his insights and comments, and that he will miss him being on the Council. He wished everyone a merry Christmas.

Council Member Tierney wished everyone a merry Christmas and safe travels. He said that it has been a pleasure to work with everybody through these difficult yet successful times. He wished Council Member Jorgensen all the best, saying that he will be missed. He thanked City Administrator Kelly for the complete information now showing up on the Agenda Item Summary, or AIS, for each agenda item.

Council Member Smeback wished Bonnie from Y-PAC a merry Christmas.

3. Boards

4. Departmental

Public Works Director Henne had no report.

Community Planner Davison said that the Planning Commission heard two modifications to the Comprehensive Plan regarding future land use, and noted that this will come before Council as a Public Hearing sometime in January. He commented that the Hearing Examiner will be hearing an application for the rezone of ninety-five acres on Lookout Point, and that Council will receive that information at the first meeting in January. He finished by saying that they are getting ready to mail letters to all property owners in the proposed annexation area.

Clerk/Treasurer Novobielski expressed his thanks to the Council for passing the 2013 budget.

Community Planner Davison wished everyone a merry Christmas.

Parks, Recreation & Tourism Director Hagler passed out an email he received from Today in America earlier today, noting that the City will receive the final version in approximately one week, and that it will be airing in approximately six to eight weeks. He noted that he will receive an announcement from them approximately one week in advance regarding the date, time, and channel that it will air on. He stated that he will pass this information along to everybody and out to the community. He remarked that it was a long process, but he feels good about it.

Mayor Gawlik thanked Parks, Recreation & Tourism Director Hagler for his hard work spearheading the project.

Police Chief Hayes extended an apology for not having the monthly reports ready the last couple of months, but said that he will keep up on them in the future. He noted that they are hiring two new reserve officers, and encouraged everyone to attend the Citizens' Academy in January to see what the Police Department and other City Departments are doing in the community.

Fire Chief Davis said that there is a Fire Commissioners meeting later this evening, and wished everyone a happy holiday.

City Attorney Noe wished everyone a merry Christmas.

City Administrator Kelly said that he is working with Clerk/Treasurer Novobielski to come up with a better way to describe where the City stands with the budget, and that they hope to have better reporting ideas in the first quarter of next year. He wished everyone a merry Christmas.

Council took a ten minute recess.

Q. Executive Session

1. 20 Minute Session
  - a. Public Employee Performance Review RCW 42.30.110(g)
2. 20 Minute Session
  - a. Collective Bargaining RCW 42.30.140(4) (a)

Council went into Executive Session at 5:46pm. At 6:31pm, Council went back on the record. Mayor Gawlik noted that they ran five minutes beyond the stated time for the Executive Sessions, and stated that no action was taken during the Executive Session on either topic.

He invited the Council Members to attend the City Employee Christmas party Friday night and wished everyone a happy holiday.

R. Adjournment

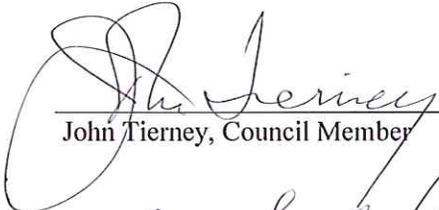
**Council Member Jorgensen moved, and Council Member Larson seconded, that the meeting be adjourned. Motion passed with five voting aye and two voting no.**

The meeting adjourned at 6:33pm.

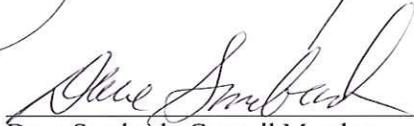
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John Gawlik, Mayor

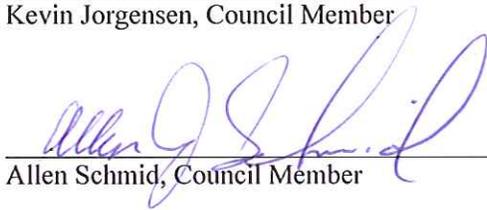
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Keith Larson, Council Member

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Paul Overby, Council Member

  
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John Tierney, Council Member

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Kevin Jorgensen, Council Member

  
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Dave Smeback, Council Member

  
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Allen Schmid, Council Member

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

ATTEST:

  
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Dale E. Novobielski, Clerk/Treasurer