

City of Selah  
Council Minutes  
May 10, 2011

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

A. Call to Order Mayor Pro Tem Overby called the meeting to order at 3:59pm.

B. Roll Call

Members Present: Keith Larson; Paul Overby; John Tierney; Kevin Jorgensen; Dave Smeback; John Gawlik; Allen Schmid

Members Excused: Mayor Jones

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Jerry Davis, Fire Chief; Stacy Dwarshuis, Police Chief; Jeff Hagler, Parks, Recreation & Tourism Director; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Councilman Jorgensen led the Pledge of Allegiance. Pastor Mark Griesse led the opening prayer.

D. Agenda Changes

Mayor Pro Tem Overby read the Agenda Changes noted below.

**Added to the Agenda:**

G – 2b Letter from the Department of Ecology re: April 11, 2011 Inspection for the City of Selah POTW

M – 3 Resolution Authorizing the Mayor Pro Tem to Sign the Pacific Power General Services Contract for the Electrical Service for the New Public Works Utility Maintenance Facility

E. Public Appearances **None**

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

G. Communications

1. Oral

Mayor Pro Tem Overby opened the Public Meeting. Seeing no one rise to speak, he then closed the Public Meeting.

2. Written

- a. Letter of Thanks to Officer Smith from Selah Cub Scout Pack 115

Police Chief Dwarshuis addressed G-2a. He said that giving a tour of the Police Station is typically a thankless job; however, Officer Smith is always a willing volunteer and does a great job. He went on to say that the Police Department received this letter of thanks from the Cub Scouts for a recent tour given by Officer Smith.

- b. Letter from the Department of Ecology re: April 11, 2011 Inspection for the City of Selah POTW

H. Proclamations/Announcements **None**

I. Consent Agenda

Mayor Pro Tem Overby read the Consent Agenda.

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

- \* 1. Approval of Minutes: Council Meeting April 26, 2011
- \* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 70957 – 71067 for a total of \$193,498.30  
Claim Check No. 58160 for a total of \$ 71,717.42  
Claim Checks Nos. 58161 – 58240 for a total of \$133,389.51

**Councilman Gawlik moved, and Councilman Schmid seconded, to approve the Consent Agenda as read. By voice vote, approval of the Consent Agenda was unanimous.**

J. Public Hearings

1. Public Hearing – Consider Declaration of Surplus property north of Crusher Canyon Road Acquired to reconstruct Crusher Canyon Road (File 621.64.11-01)

Community Planner Davison addressed J-1. He handed out color-coded maps to the Council Members and those in the audience who requested one, and indicated the larger color-coded map on the bulletin board for additional reference. He stated that the property under discussion was outlined in yellow on the maps. He explained that the City acquired the subject property from the Hovde family many years ago, for the purpose of reconstructing Crusher Canyon Road. He went on to say that after the completion of the Crusher Canyon Road reconstruction, the City determined this property to be superfluous. He listed the variety of utilities available for development of the lot, and said that the Public Works Department recommends that the property be declared surplus. He said that the property is vacant, and recommended that the Council adopt the Findings of Fact after the Public Hearing. He briefly went through the various

maps contained in the Council packet, noting that the property is zoned single-family residential, and that the Comprehensive Plan reflects that zoning designation.

Mayor Pro Tem Overby opened the Public Hearing. Seeing no one rise to speak, he then closed the Public Hearing.

2. Public Hearing – Consider Declaration of Surplus property south of Crusher Canyon Road Acquired to reconstruct Crusher Canyon Road (File 621.64.11-02)

Community Planner Davison addressed J-2. He stated that the subject property was outlined in blue on the maps. He talked briefly about the history of the land and how it had passed from the County to the City. He touched on the large size of the lot, and its potential to be developed in the near future. He noted that the property is zoned multi-family residential, and that the Comprehensive Plan reflects that by designating it High Density Residential. He commented that, based on lot size, this designation would allow for up to 12 units to be placed on the lot. He recommended that the Council adopt the Findings of Fact after the Public Hearing. He suggested that the Council discuss how to dispose of the property with the City Attorney at a later date.

Mayor Pro Tem Overby opened the Public Hearing. Seeing no one rise to speak, the he then closed the Public Hearing.

K. New Business **None**

L. Old Business **None**

M. Resolutions

1. Resolution Authorizing the Mayor Pro Tem to Sign the Local Agency Agreement Supplement with the Washington State Department of Transportation – CMAQ Paving Project; South Rushmore Road Improvements

Public Works Director Henne addressed M-1. He informed the Council that they are ready to proceed with the construction phase of the paving project, and that the Supplement is a requirement to secure funding from the Department of Transportation. He said that the Supplement lists the funding sources and dollar amounts, and requested the Council's approval.

**Councilman Smeback moved, and Councilman Tierney seconded, to approve the Resolution Authorizing the Mayor Pro Tem to Sign the Local Agency Agreement Supplement with the Washington State Department of Transportation – CMAQ Paving Project; South Rushmore Road Improvements. 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 Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

2. Resolution authorizing the Mayor Pro Tem to Sign the Construction Contract for the Public Works Utility Maintenance Facility with T.W. Clark Construction LLC

Public Works Director Henne addressed M-2. He said that on the 27<sup>th</sup> of April the ten bids submitted for the construction contract were opened, and the low bidder was T.W. Clark Construction. He briefly explained the different options for the facility, noting that the option of deleting the maintenance bays was listed to prevent the possibility of going over budget.

Councilman Schmid asked if they were staying in.

Public Works Director Henne responded that the maintenance bays would remain. He also mentioned the option of exchanging the tin roof for an asphalt shingle roof, noting that they chose not to exercise either option. He touched on the project funding sources as outlined in the Memorandum from Ted Pooler, and said that they are approximately half a million dollars under the engineer's estimate.

Councilman Schmid commented that it is a good time to be soliciting bids for a project.

Public Works Director Henne remarked that it worked out well.

Councilman Smeback asked how many of the bidding parties were local.

Public Work Director Henne replied that the closest one was from Tri-Cities and several were from Spokane.

Councilman Smeback asked for confirmation that there were no Selah- or Yakima-based contractors among the bidders.

Public Works Director Henne affirmed that no Selah- or Yakima-based contractors submitted a bid.

Councilman Schmid extended his congratulations to Public Works Director Henne regarding the new facility.

Public Works Director Henne said that it has been a long time coming and his crew will be happy to hear the news.

Mayor Pro Tem Overby inquired as to when they expect to break ground on the project.

Public Works Director Henne replied that he will notify the architect and should receive the contract within the next week, which should allow them to break ground by the first of June.

Councilman Smeback asked if there was an artist's rendition of the facility.

Public Works Director Henne responded that they have blueprints but not an artist's rendition.

**Councilman Schmid moved, and Councilman Smeback seconded, to approve the Resolution authorizing the Mayor Pro Tem to Sign the Construction Contract for the Public Works Utility Maintenance Facility with T.W. Clark Construction LLC. 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 Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

3. Resolution Authorizing the Mayor Pro Tem to Sign the Pacific Power General Services Contract for the Electrical Service for the New Public Works Utility Maintenance Facility

Public Works Director Henne addressed M-3. He explained that this contract covers the services to the new facility that will be provided by Pacific Power, and mentioned the conduit work to be done by the City per the contract. He reviewed the options available to the City in the contract, along with his recommendation to accept option number two.

Councilman Gawlik inquired if there would be additional discounts down the road regarding efficient usage, or if they will only pertain to the installation.

Public Works Directors Henne replied that the plans for the facility were sent in for review, utilizing the same procedure followed with regard to the improvements on Wells 6 and 8. He said that when the calculations were completed, taking into account that the facility will be heated using natural gas, there were some lighting suggestions but the potential rebate was basically a wash.

**Councilman Larson moved, and Councilman Schmid seconded, to approve the Resolution Authorizing the Mayor Pro Tem to Sign the Pacific Power General Services Contract for the Electrical Service for the New Public Works Utility Maintenance Facility. 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 Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

#### N. Ordinances

1. Ordinance Declaring as Surplus Certain Property located north of Crusher Canyon Road and south of West Naches Avenue (File 621.64.11-01)

Community Planner Davison addressed Ordinance N-1. He stated that this Ordinance is a companion to the earlier Public Hearing. He went on to say that the Ordinance identifies the subject property as surplus, indicating the reasons for doing so, and includes a full legal description of said property. He referred the Council to the Findings of Fact and Determination of Surplus Property included with the Public Hearing documents, inquiring of City Attorney Noe if he would like the Findings to be adopted prior to the Ordinance.

City Attorney Noe recommended that the Council adopt the Findings of Fact prior to approval of the Ordinance.

**Councilman Schmid moved, and Councilman Larson seconded, to accept the Findings of Fact and Determination of Surplus Property. By voice vote, approval was unanimous.**

Councilman Schmid asked if there had been a decision on how to dispose of the property, or if a motion regarding that was needed at this point.

City Attorney Noe responded, saying that Community Planner Davison would be bringing a Resolution authorizing the Mayor to dispose of the property before the Council at a later date. He noted that there are several alternatives that could be used for disposal of the property.

City Supervisor Sweet remarked that in previous instances they have utilized a closed bid method, specifying both a minimum bid amount and that the purchaser is responsible for all closing costs. He went on to say that it is published in the paper, and all sealed bids received are opened by Clerk/Treasurer Novobielski. He noted that this has worked well in the past.

Councilman Schmid asked if a resolution authorizing the Mayor to sign it as surplus property is needed at this point.

City Attorney Noe replied in the negative, saying that currently they have the Ordinance declaring it surplus and will come back at a later date with a resolution authorizing disposal of the property and the method of disposal.

**Councilman Schmid moved, and Councilman Jorgensen seconded, to approve the Ordinance Declaring as Surplus Certain Property located north of Crusher Canyon Road and south of West Naches Avenue. 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 Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

2. Ordinance declaring as Surplus Certain Property located south of Crusher Canyon Road and west of Hillcrest Drive (File: 621.64.11-02)

Mayor Pro Tem Overby indicated his willingness to entertain a motion regarding the Findings of Fact for the subject property.

**Councilman Gawlik moved, and Councilman Jorgensen seconded, to adopt the Findings of Fact. By voice vote, approval was unanimous.**

Community Planner Davison addressed Ordinance N-1. He said that the Ordinance identifies the subject property as surplus, indicating the reasons for doing so, and includes an extensive legal description of the property boundaries. He went on to say that if the Ordinance is accepted, he will present a Resolution for disposal at a later date.

Councilman Smeback inquired about the reasons for zoning the property R-3.

Community Planner Davison replied that the property sits on a future major arterial, and that the adjacent property to the south currently has an apartment complex. He noted that while the northern property is elevated above the existing road, this property is at street level, and that the noise level would be undesirable for a single family residence.

Councilman Schmid said he thought the property was designated multi-family under Growth Management.

Community Planner Davison disagreed, saying that the designation was changed a few months ago, after going through the hearings process. He said that the property to the south had already been designated High Density.

Councilman Smeback expressed a concern with having twelve units within one hundred feet of the intersection.

Community Planner Davison replied that the access would be at the extreme left end of the property, as the lot is approximately two hundred feet in length there. He acknowledged the close proximity to the intersection, but pointed out that the only feasible ingress and egress is to the west unless a steep driveway is put in up to Hillcrest.

Councilman Tierney asked if he meant to the east, east to Hillcrest Drive.

Community Planner Davison said no, it would better to exit on the west side.

Councilman Schmid opined that we wouldn't want to put them out on Hillcrest.

Councilman Tierney replied that the speed limit is slower.

Councilman Schmid agreed, but expressed his concern over drivers are coming down the hill right of out a turn.

Councilman Gawlik expressed concerns with the traffic load an additional multi-unit complex would add in that area, specifically because of its close proximity to a school zone.

Community Planner Davison pointed out that Council had previously approved the Cherry Blossom Ridge development, with 290 homes using Crusher Canyon Road for ingress and egress.

Councilman Tierney asked about the record of survey document, which shows 12, 966 square feet.

Community Planner Davison asked which map he was referring to.

Councilman Tierney responded that it was the one attached to J-2, and went on to say that the supplemental map handed out during the meeting showed a lot size of 21, 585 square feet.

Community Planner Davison responded that the parcel in question changed back and forth several times, and that the square footage is actually 21,585 feet.

Councilman Tierney expressed concern that the map included with the packet showed 12,000 square feet, and that it appears that the additional footage was vacated per a City Ordinance but is now part of the subject parcel.

Community Planner Davison responded that there has been no property merge.

Councilman Tierney asked if the subject property is truly a 21,000 foot parcel, and if so did the map need to reflect that.

Community Planner Davison affirmed the parcel size as 21,000 feet, and stated that the questionable map was superseded by the map handed out during the meeting.

Councilman Tierney replied that the map handed out is also in the packet, and indicated a desire to note for the record that the right document is showing.

Community Planner Davison replied that the document legal description is based on the 21,000 foot size. He said that he had no answer regarding the access issue at this time, but noted that the land use and zoning could be changed if the Council elected to issue an emergency zone change and Comprehensive Plan amendment.

Councilman Gawlik commented that he doesn't wish to do so presently and will deal with what has been done in the past.

Councilman Schmid requested that the motion to approve specified the correct amount of square footage.

Mayor Pro Tem Overby asked Councilman Jorgensen if he would care to amend his motion.

Councilman Jorgensen replied that he made the motion as written, and that it could be amended to include square footage. He said that the correct square footage is on the included documentation.

**Councilman Jorgensen moved, and Councilman Larson seconded, to approve the Ordinance declaring as Surplus Certain Property located south of Crusher Canyon Road and west of Hillcrest Drive. 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 Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

O. Communications

1. Oral

Mayor Pro Tem Overby opened the Public Meeting. Seeing no one rise to speak, he then closed the Public Meeting.

P. Reports/Announcements

1. Mayor Pro Tem Overby

Mayor Pro Tem Overby expanded on the transportation meeting, talking about how there is interest from the Training Center and Lt. Col. Daniels over expanding the route. He mentioned some potential funding resources to help cover costs, and that the Training Center is polling their staff to gauge the interest and usage levels. He reiterated the two options stated by Councilman Gawlik and said that they hope to have an agreement in the near future.

Public Works Director Henne announced that there has been an increasing problem at Wixson Park with owners not cleaning up after their dogs. He said there is now a dispensing station at Wixson Park for dog owners to get a bag for picking up after their dogs, with three more to be installed down the road. He requested that dog owners be more responsible in cleaning up, to prevent the City placing a ban on dogs in the park.

Mr. Pederson asked if there was an Ordinance against dogs defecating in the park.

Public Works Director Henne responded that dogs have to be on a leash, that an owner is responsible for controlling their dog and cleaning up after it.

Mayor Pro Tem Overby commented that there is also a leash law that applies to free-range dogs wandering around town, and agreed that it was good to remind owners of their responsibilities regarding their dogs.

2. Council Members

Councilman Tierney had no report.

Councilman Larson had no report.

Councilman Jorgensen had no report.

Councilman Smeback had no report.

Councilman Gawlik talked briefly about the transportation meeting held the previous Friday, and the interest of the Commander of the Training Center in either extending Route 10 or creating an express route directly to the Training Center for the benefit of the military and civilian employees.

Councilman Schmid gave an update on the tournaments, noting that Selah hosted thirty-two teams two weeks ago and twenty-four teams the previous weekend. He opined that the facility brings a lot of people into the community and said we should be proud of our well-maintained facility. He noted that the Tri-Cities is building a facility to compete with ours, and encouraged the proper care and maintenance of our complex.

City Supervisor Sweet interjected that the Selah Community Days requested a shuttle service from the Junior High to Wixson Park, and Yakima Transit agreed to supply a shuttle service from 11am to 11pm at no cost to the citizens.

3. Boards

4. Departmental

Public Works Director Henne reported that the contractor has been diligently working to open Wenas, Fremont and Naches back up and ready for the Community Days parade and noted their intent to put in a gravel driveway for the various parade entities to congregate. He said that the crew has been cleaning the parks, and installed a new deck on the gazebo. He mentioned the Big Toy dedication on Saturday, and said the crew is out weeding, cleaning gutters and painting.

Community Planner Davison had no report.

Clerk/Treasurer Novobielski had no report.

Mr. Ted Pooler, Huibregtse, Louman Associates Inc., reported that they have been busy working at the Wastewater Treatment Plant, and that they will have a project regarding the clarifier to present in the next month or so.

Parks, Recreation and Tourism Director Hagler passed around the announcement for the Wixson Park ribbon cutting ceremony for the Big Toy. He also talked briefly about the Yakima Valley Visitors Convention Wine Getaway, which features 3 Selah businesses for the May drawing. He said the highlighted businesses are North Park Lodge, the River Ridge Golf Course Restaurant, and Southard Winery.

Police Chief Dwarshuis commented that they were gearing up for Community Days and hoping for good weather.

City Attorney Noe had no report.

Fire Chief Davis said they took delivery of two new rescue rig cabs yesterday, which will be given to stations 4 and 6. He noted that there was a commissioner's meeting later in the evening.

City Supervisor Sweet had no report.

Q. Executive Session

No Executive Session was held.

R. Adjournment

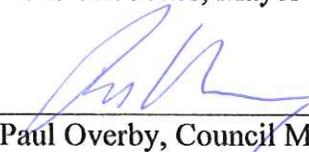
**Council Member Jorgensen moved, and Council Member Gawlik seconded that the meeting be adjourned. Motion carried with 6 voting aye and 1 voting nay.**

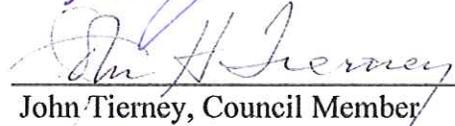
The meeting adjourned at 4:43pm.

EXCUSED

Robert L. Jones, Mayor

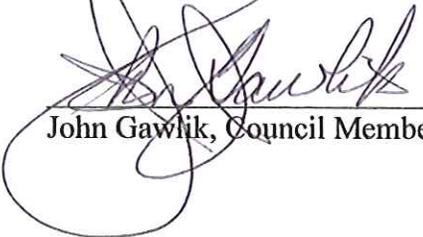
  
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Keith Larson, Council Member

  
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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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John Gawlik, Council Member

  
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Allen Schmid, Council Member

ATTEST:

  
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Dale E. Novobielski, Clerk/Treasurer