

City of Selah
Council Minutes
April 24, 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 6:30pm.

B. Roll Call

Members Present: Keith Larson; Paul Overby; Kevin Jorgensen; Dave Smeback

Members Excused: John Tierney; Allen Schmid; Brooke Finch

Staff Present: Dale Novobielski, Clerk/Treasurer; Bob Noe, City Attorney; 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

Councilman Larson led the Pledge of Allegiance. Pastor Perkins led the opening prayer.

D. Agenda Changes

Remove the following item:

1. K – 1 New Business: Personnel - Lead Operator LaRoche

E. Public Appearances/Introductions

1. Officer Mathew Lennon

Police Chief Hayes requested that this matter be tabled until the next Council Meeting.

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

G. Communications

1. Oral

Mayor Gawlik opened the Public Meeting.

Lisa Bertelsen, Selah's Wednesday Market, approached the podium and addressed the Council. She spoke briefly about her family's decision to move to Selah and her desire to be active in the community.

She said that she and Sherry Dawson manage the Wednesday market, which is a member of the Washington State Farmer's Market Association and brought in over \$18,000 in market sales for 2011. She went on to say that they have been fortunate in previous years to have the Allied Arts van come to the market, but that the funding has been severely cut this year. She invited the Council to fund five Allied Arts visits, at a total cost of \$1,750.00.

Mayor Gawlik inquired as to the deadline for an answer.

Ms. Bertelsen replied that there is no specific deadline, but noted that the sooner a decision could be made, the better that would be.

Councilman Overby asked her to explain the purpose of the Allied Arts van.

Ms. Bertelsen answered that they teach arts and crafts for children of all ages. She noted that they supply the materials along with art education, and that they are an offshoot of the organization in Yakima.

Mayor Gawlik said that he would like to have her in for a Study Session at the next Council Meeting to discuss the matter further.

Councilman Larson agreed with the Mayor.

Ms. Bertelsen commented that it is also important for the community to see their Council Members at the Farmer's Market.

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

2. Written

a. Wastewater Treatment Facility Clarifier Upgrades Progress Estimate 1

H. Proclamations/Announcements **None**

I. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

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

* 1. Approval of Minutes: Council Meeting & Study Session April 10, 2012

* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 73263 – 73343 for a total of \$136,191.35
Payroll Checks Nos. 73344 – 73390 for a total of \$ 28,683.61
Claim Check No. 59971 for a total of \$ 626.10
Claim Check No. 59972 for a total of \$ 2,197.62
Claim Checks Nos. 59973 – 60057 for a total of \$214,402.31

Councilman Overby 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 **None**
- L. Old Business

1. City Boards and Committees

Mayor Gawlik addressed L-1. He said that the Council had a discussion on Boards and Committees at the Retreat held last Friday, and that staff indicated a preference for Study Sessions rather than committees, as it allowed for less redundancy in dissemination of information to the Council. He noted that Councilman Smeback will be added as a Council representative to the Selah School District Board.

City Attorney Noe remarked that the Council can approve the list of Boards and Committees as assigned, and that there may be an Ordinance in the future to modify the standing committees.

Mayor Gawlik commented that there are only two committees in the Ordinance, the Planning committee and the Parks committee, that Council felt were unnecessary.

City Attorney Noe reiterated the need for an Ordinance to amend the Municipal Code.

Councilman Larson moved, and Councilman Jorgensen seconded, to approve the City Boards and Committees List as presented, with the addition of Councilman Smeback as a second Council representative to the School District Board. By voice vote, approval was unanimous.

M. Resolutions

- 1. Resolution Establishing May 8, 2012 as the Date to Conduct a Public Hearing to Consider the Extension of an Emergency Ordinance that Regulates the Filing of Applications for Development Permits and Licensing of “Medical Cannabis Collective Gardens”, and the Production, Processing, or Dispensing of Cannabis within the City of Selah

Community Planner Davison addressed M-1. He gave a brief summary of the actions previously taken by the Council regarding medical cannabis noting that the State Legislature has been working on the legislation regarding this, and that a public hearing must be held on an extension of the moratorium.

City Attorney Noe said that he wrote a memo to the Planning Commission on the issue and asked them to recommend an extension on the moratorium, which the Council then approved. He noted that a public hearing must be held within sixty days, and added that the legislature is being revisited in light of the portions removed by the governor, which left local jurisdictions in limbo. He went on to say that the State won't do anything contrary to Federal law, and that the DEA has already conducted raids on some of the approved farms. He commented that Initiative 502, which will be on the November ballot, allows for a certain amount of marijuana to be legally possessed by any individual, and in light of these issues the moratorium has been extended.

Mayor Gawlik asked if the DEA filed any criminal charges against those who were raided.

City Attorney Noe responded that he was not certain, but thought that they were prosecuted under Federal law.

Mayor Gawlik asked if possession was a felony charge.

City Attorney Noe replied that he is not familiar enough with the classifications to answer.

Councilman Larson wondered how many times the moratorium could be extended.

City Attorney Noe responded that the standard is a maximum of a year, depending on the situation, but that there is no hard and fast rule other than having reasonable justification for the extension.

Mayor Gawlik wondered what the definition of reasonable is.

Councilman Overby remarked that he feels that this extension is reasonable due to the vagueness of the law and the current review being done by the State legislature.

City Attorney Noe said that no one has applied for a license yet.

Council Member Jorgensen moved, and Council Member Overby seconded, to approve the Resolution Establishing May 8, 2012 as the Date to Conduct a Public Hearing to Consider the Extension of an Emergency Ordinance that Regulates the Filing of Applications for Development Permits and Licensing of “Medical Cannabis Collective Gardens”, and the Production, Processing, or Dispensing of Cannabis within the City of Selah. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. By voice vote, approval was unanimous.

N. Ordinances

1. Ordinance Amending Ordinance No. 1856 Regarding the 2012 Salary Schedule for a Probationary Firefighter

Fire Chief Davis addressed N-1. He said that there may be an opening in the near future, as Firefighter Horton may be moving to the Yakima Fire Department, and that this is to set a wage for any new hire, similar to those for law enforcement. He went on to say that Firefighter Kline is currently cross-training with Firefighter Horton.

Council Member Larson moved, and Council Member Smeback seconded, to approve the Ordinance Amending Ordinance No. 1856 Regarding the 2012 Salary Schedule for a Probationary Firefighter. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. By voice vote, approval was unanimous.

O. Communications

1. Oral

Mayor Gawlik opened the meeting.

Public Works Director Henne approached the podium and addressed the Council. He handed out some information to the Council regarding the Public Trust Loan application, saying that he needs to have a consensus of the Council prior to the next Council meeting if he is to proceed with the application. He said that the application submitted by the City was for \$1.54 million, and that we were the last one on the list being sent to the State Revolving Fund Board for review and approval. He went on to say that if the list stands we will definitely get the loan and reviewed the projects listed on the loan application. He discussed the projects for this loan and the other loan application, and reviewed the financial aspects. He mentioned that there was an addition to the original project of the waterline connections on Wenas and explained why this was included.

Councilman Smeback asked if he needed a motion.

Public Works Director Henne asked for a consensus of the Council to proceed with the loan application.

Mayor Gawlik asked City Attorney Noe if a consensus was appropriate.

City Attorney Noe replied in the affirmative.

Mayor Gawlik polled the Council for a consensus to approve proceeding with the Public Trust Loan Application. Consensus was unanimous to approve.

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

P. Reports/Announcements

1. Mayor

Mayor Gawlik credited the success of the Retreat to hard work and effort put into it by Executive Assistant Lake. He remarked that Randy Beehler from YPAC was an excellent moderator and added a bit of levity at times. He requested that any of the Council Members who had suggestions for filming sites for the Today in America TV video drop by the office or contact him via email, and extended the same invitation to the community. He noted that Councilman Smeback suggested that we should have an organizational listing put together for them when they come to film. He noted that the interviews for the vacant City Administrator position will start this Thursday and invited the Council Members to sit in on any interviews they are available for. He said that the top three candidates will be brought back for a second interview with the full Council.

2. Council Members

Councilman Overby said that he appreciated the Retreat last Friday, and that it had a lot of good information, but said that he felt that they end a little too early.

Councilman Smeback had no report.

Councilman Jorgensen mirrored Councilman Overby's comments regarding the Retreat and suggested that they should have them twice a year to allow for more content in a shorter amount of time. He thanked the Mayor and Executive Assistant Lake for putting it together and asked Public Works Director

Henne to extend thanks to his crew for bringing the chairs from Council Chambers to the Civic Center for the Retreat.

Councilman Larson echoed the previously stated comments on the Retreat, saying that he feels they are thought-provoking and beneficial for the City. He congratulated Sergeant Steen on his promotion.

3. Boards

4. Departmental

Community Planner Davison said that he gave Councilman Smeback four proposals for the Crusher Canyon property last week to review, and offered to provide the same to any other Council Members who were interested. He went on to say that he will meet with Public Works Director Henne and Councilman Smeback to discuss the four concepts and select two as preferred alternatives. He commented that they will bring to two selected proposals to Council at a later date for approval as preliminary plats, and noted that the Council may change their minds and decide to surplus the property rather than expending the funds to do a preliminary plat.

Councilman Smeback clarified that the idea is to have a preliminary layout to show prospective buyers the number of lots they can get out of the property, and also allow the City to direct where the street cuts through.

Mayor Gawlik asked if his plan was just to show what could be done, and not to go through the whole plat process.

Councilman Smeback replied in the affirmative, saying that he feels the layout provided by Community Planner Davison will allow them to move forward.

Community Planner Davison said that it is just the basics and they will put it out to see if any developers are interested.

Councilman Smeback remarked that it will be coming back to Council for sale or disposal, using this as a part of the packet.

Councilman Jorgensen wondered if a consensus on the design would be needed.

Mayor Gawlik commented that he was thinking about that as well.

Councilman Jorgensen said that no formal action would be taken but a consensus on the design submitted could be done.

Community Planner Davison said that there would need to be further design done regarding the water and sewer, along with some other issues, prior to approval by the Planning Commission.

Councilman Jorgensen said that it would be a concept that is likely to be approved by the Council rather quickly.

Community Planner Davison said that if it was preliminarily approved by the Planning Commission and the Council that it would be valid for six years before terminating due to a lack of development.

Councilman Overby commented that he is uncomfortable with the idea of giving a project the okay without going through the formal public hearing process, as it gives a developer the wrong idea.

Mayor Gawlik asked if there is a statement to that regard that could be included with it.

City Attorney Noe replied that there is language that could be included, indicating that this is a conceptual plat and appears consistent with the common standards that the City might impose.

Mayor Gawlik asked if it will be brought to Council in the future.

Community Planner Davison replied that the concept plan can be brought back to the next meeting.

Public Works Director Henne commented that he has been working on a list of City properties and wondered if the Council would like to review that at the same time.

Mayor Gawlik asked about the progress being made regarding the leaking reservoirs.

Public Works Director Henne responded that the South Reservoir is leaking at a faster rate than the North Reservoir, although both are leaking. He spoke briefly about the process used to determine where the leaks are located and noted that a diver will be coming out to test the joints.

Clerk/Treasurer Novobielski had no report.

Fire Chief Davis said that the department has been busy and talked briefly about the accident on Chinook Pass involving the big air trailer and its truck. He noted that no one was injured, and said that Keith Jones will be in tomorrow to check the braking system. He stated that they don't know what the damage is at this point, and that the truck has been quarantined pending an investigation. He commented that the tow truck company did not charge for the towing, and that he will be sending them a letter of thanks.

Mayor Gawlik asked if the hitch could have failed

Fire Chief Davis replied that they are looking into that.

Parks, Recreation & Tourism Director Hagler pointed out the new Discover Selah sign displayed on the bulletin board and said that they have recently updated the website as well. He passed out copies of the new Yakima Valley Visitors Guide and talked briefly about the four pages on Selah contained inside. He also noted that there will be a large GYGSA tournament this weekend.

Police Chief Hayes remarked that it has been a busy couple of weeks due to the warm weather, including a rollover and a fatality on the overpass, as well as both the written and the oral boards for the Sergeant's test. He went on to say that the list was certified earlier today, and three sergeants were promoted off the list, including Sergeant Steen who is in the audience today.

Mayor Gawlik congratulated Sergeant Steen on his promotion.

Police Chief Hayes said that he sat in on the oral testing and that he was surprised by every person's answers. He noted that the scores were really close for both the oral and the written portions.

City Attorney Noe had no report.

Q. Executive Session

Council took a five minute recess, and then entered into an Executive Session for twenty minutes to discuss Potential Litigation.

Upon conclusion of the Executive Session, the Council went back to Public Session. Mayor Gawlik stated that no action was taken during the Executive Session.

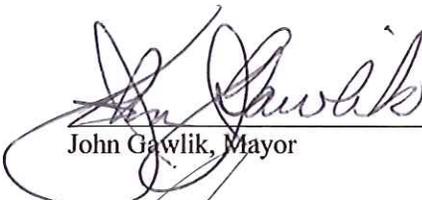
R. Adjournment

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

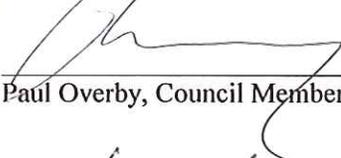
The meeting adjourned at 8:05pm.



Keith Larson, Council Member



John Gawlik, Mayor



Paul Overby, Council Member

EXCUSED
John Tierney, Council Member



Kevin Jorgensen, Council Member



Dave Smeback, Council Member

EXCUSED
Allen Schmid, Council Member

EXCUSED
Brooke Finch, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer