

Study Session Minutes
Selah City Council
March 26, 2013
6:00pm

Mayor Gawlik opened the Study Session. He welcomed Bronwyn Mayo, Wenas Mammoth Foundation, and invited her to speak.

Ms. Mayo talked about the history of the mammoth site and the discovery of the first bone. She said that Central Washington University partnered with them on the archaeological dig site, employing proper archaeological methods of searching and documentation from 2005-2010, and are currently writing a report on their findings. She went on to say that the Wenas Mammoth Foundation, a registered non-profit organization, was formed to protect and preserve the site, with future plans to reopen the dig site, create an interactive museum/classroom for educational purposes, and also build a mammoth silhouette with the help of numerous local schools. She added that ownership of the bones belongs to herself and her husband, as they wanted to ensure that the bones remained here where they were discovered. A brief question and answer period followed.

Mayor Gawlik thanked Ms. Mayo for her time. The Study Session ended at 6:28pm.

City of Selah
Council Minutes
March 26, 2013

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; John Tierney; Dave Smeback; Allen Schmid; Brooke Finch;
Carl Torkelson

Members Excused: Paul Overby

Staff Present: David Kelly, City Administrator; Bob Noe, City Attorney; Dale
Novobielski, Clerk/Treasurer; Jerry Davis, Fire Chief; Eric Steen, Police
Sergeant; 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 Torkelson led the Pledge of Allegiance. Parks, Recreation, & Tourism Director Hagler led the opening prayer.

D. Agenda Changes

Add to Agenda:

1. Executive Session – 10 Minute Session re: Review the Performance of a Public Employee
RCW 42.30.110(1) (g)

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

F. Getting To Know Our Businesses

1. Gravrock Photography – Karianna Dubois, owner

Mayor Gawlik welcomed Karianna Dubois and invited her to speak.

Karianna Dubois approached the podium and addressed the Council. She introduced herself, saying that she and her family recently relocated to Selah from the Seattle area. She talked about her art background and listed various businesses she has done work for. She expressed her enthusiasm for the welcoming community in Selah. She ended by saying that she will open a photography studio at her residence.

2. Precision Capital Management – Andre Dubois, owner

Mayor Gawlik welcomed Andre Dubois and invited him to speak.

Andre Dubois approached the podium and addressed the Council. He spoke briefly about his background in the financial industry and talked about the services his business provides.

Council Member Finch inquired about his business model.

Mr. Dubois replied that it is organic; he treats his clients well and believes that word of mouth as the best advertising.

G. Communications

1. Oral

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

2. Written **None**

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Schmid moved, and Council Member Larson seconded, to add Resolution M – 2 to the Consent Agenda. By voice vote, approval was unanimous.

Executive Assistant Lake read the Consent Agenda.

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

- * 1. Approval of Minutes: March 12, 2013 Study Session & Council Meeting
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 75484 – 75573 for a total of \$139,885.52
 - Claim Checks Nos. 61743 – 61809 for a total of \$164,226.80
- * 3. Resolution M – 2 Resolution Authorizing the Mayor to Sign a State Participating Agreement with Washington State Department of Transportation (WSDOT) for the East Goodlander Road Improvements Project
- * 4. Resolution M – 3 Resolution authorizing the Mayor to accept the Well No. 5 Redevelopment Project as Complete

Council Member Schmid moved, and Council Member Smeback seconded, to approve the Consent Agenda as read. By voice vote, approval of the Consent Agenda was unanimous.

J. Public Hearings

1. Public Hearing to Consider Declaring Certain Real Properties Surplus

City Administrator Kelly addressed J – 1. He said that Council has discussed surplus some of the real property that the City owns, to pay off debts and put them back on the tax rolls to generate income for the City. He noted that the list identifies those properties that have been selected for surplus and that this hearing is to hear public comment on the matter.

Mayor Gawlik opened the Public Hearing.

John Crookshank approached the podium and addressed the Council. He thanked the Council for removing Palm Park from the list of surplus properties. He asked why there were two different hearing dates.

City Attorney Noe replied that the two hearing dates were for two separate matters: the surplus of certain real property and the short plat application.

Mr. Crookshank wondered if the park would have been gone on the 12th if the citizens hadn't responded so quickly regarding the potential surplus of Palm Park.

Council Member Schmid replied in the negative, saying that it would have been a recommendation from the Planning Commission to the City Council regarding the property, and Council would then vote on whether or not to proceed with the short plat.

Council Member Larson commented that just because a property is surplus doesn't mean that it would sell.

Mr. Crookshank reiterated his thanks to the Council for removing Palm Park from the surplus list.

Penny Parrish approached the podium and addressed the Council. She asked why none of the surrounding property owners have received notice from the City regarding the surplus of Sunrise Park, saying that the only information available has come from the media.

Council Member Overby joined the meeting.

City Administrator Kelly replied that Sunrise Park is not being surplus, noting that it was crossed out on the list of potential surplus properties.

Council Member Schmid observed that none of the parks are on the surplus list.

Ms. Parrish replied that this is not the same information reported by the Yakima Herald-Republic.

Council Member Schmid responded that all City-owned properties, including the parks, were discussed at a meeting several months ago. He went on to say that at the time Council determined that a portion of the Palm Park acreage might be excess to be surplus; however, the Parks Board recommended that the park remain as it is and it was dropped from the potential surplus list after the last Council Meeting.

City Administrator Kelly commented that one item discussed with regard to Sunrise Park was to do some horse-trading with the Selah School District; they need green space and Sunrise Park is located adjacent to John Campbell Elementary.

Ms. Parrish responded that that was one of her ideas for Sunrise Park; her property abuts John Campbell Elementary and Sunrise Park and there is a triangle shaped area that is a weed patch. She said that it would be great if the Selah School District take over that area and removed the fence, adding that a stop light would also be great there.

Jane Williams approached the podium and addressed the Council. She asked that the specific properties being surplus be stated, and wondered if there was a map available that indicated the surplus properties.

City Administrator Kelly read aloud the list of properties being surplus, which included the six unsold Marudo lots, the former Public Works building and parking lot, twenty-four acres up on Lookout Point, and two properties up on Crusher Canyon Road.

Seeing no one else rise to speak, Mayor Gawlik closed the Public Hearing. He said that, when he took office last year, he felt it was necessary to find out how much real property the City owned and whether said property was going to be used for useful purpose. He directed Public Works Director Henne to compile a list of all City-owned property, including the parks, which was then provided to Council during a Study Session. He went on to say that Council reviewed the list of properties and chose to take the appropriate steps to list certain properties for possible surplus to help the City pay down its debt level. He added that he is unsure how Palm Park got on the list and that he realizes this caused some discord. He said that Council listened to the citizens and took appropriate action on the matter.

2. Public Hearing to consider an increase in Building, Plumbing, Mechanical, and other Permit fees

City Administrator Kelly addressed J – 2. He said that, at a previous meeting, they discussed building and other permit costs, and that further research into the matter shows that the City has not increased fees since approximately 1991. He went on to say that the City’s expenses have gone up over the years and he feels that the fees collected should cover the costs and expenditures incurred. He commented that the City of Yakima charges twenty-three percent more than Selah for building fees and twenty-seven percent more for the remaining fees, while Yakima County is thirty-one percent higher for building fees and thirty-four percent higher for the remaining fees. He gave a brief explanation of the spreadsheet included in the packet listing the revenues and expenditures for the Building and Code Enforcement Departments over the past six years, noting that they incurred approximately one hundred twenty-seven thousand dollars more in expenditures than they took in as revenue. He remarked that this is a drain on the General Fund and that Council should consider getting it closer to paying for itself. He reviewed the two explanations shown, noting that the current deficit would be twenty-three thousand dollars if the City had adopted the City of Yakima’s rates, or fourteen thousand dollars if they had adopted Yakima County rates. He said that there is some concern that raising fees could potentially discourage private people and developers from choosing to build in Selah if Council increases the rates to be comparable to the other two entities. He opined that an increase of four hundred thirty – eight dollars from the current fee of three hundred twenty-five dollars is not a significant amount of dollars, saying that as a consumer himself he doesn’t feel that an increased cost in building fees would deter someone from opting to build in Selah. He ended by saying that, as the City has not raised fee rates for so many years, Council may opt to implement a gradual increase in fees over a period of time, and suggested that they consider adopting an

annual increase based on eighty percent of the Seattle Tacoma Consumer Price Index as opposed to an annual review.

Mayor Gawlik asked if he was recommending that the increase be spread over a few years' time.

City Administrator Kelly replied that this is the hearing for the proposed fee increases, and that he will present his recommendation with the Ordinance.

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

K. New Business

1. Creation of a Beautification/Economic Development Committee that is Advisory to the Council

City Administrator Kelly addressed K-1. He said that he has met with each Council Member over the last nine months to discuss how to improve the City, and that one common thread is City beautification. He suggested that Council consider creating an economic development and beautification committee, to be comprised of the Mayor, two Council Members, and six people from the community. He added that they would discuss things in the community that are of interest, such as a City theme. He remarked that one way to keep fresh blood and new ideas would be to rotate the membership by starting with three two year terms and three one year terms, which will then be put on a two year rotation cycle.

Council Member Larson commented that he is in favor of the idea, as he is not sure that Council is the best place to bring ideas for beautification. He indicated his support for the creation of this committee.

City Administrator Kelly commented that this would be an advisory board to the City Council; the City Council would make any final decisions.

Council Member Finch moved, and Council Member Torkelson seconded, to approve the Creation of a Beautification/Economic Development Committee that is Advisory to the Council. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

L. Old Business

1. Use Agreements with Selah National Little League (SNLL), Yakima Valley Legion Baseball (YVLB) and Greater Yakima Girls Softball Association (GYGSA)

City Administrator Kelly addressed L-1. He said that this is a tough topic; a lot of folks are in the audience tonight because of this. He commented that he met with all of the entities on the list multiple times to discuss the contracts between them and the City regarding use of the facilities. He went on to say that, over the years, the City and the people participating have done a tremendous amount of volunteer work, in kind services, cash donations, and business services, and that he wanted to acknowledge this. He commented that the City Council had asked him to look at the various City contracts, of which three were regarding ball field usage; they had a Study Session on this subject at the last Council Meeting and listened to the representatives of these entities who chose to come and speak.

job is to make a recommendation and that Council's job is to decide what to do with these contracts. He reviewed the four options listed and explained why his recommendation is to adopt option four.

Council Member Smeback pointed out that all three entities are being treated equally but that he doesn't think the scenarios are equal; GYGSA agreed to pay money from concessions but they utilize four ball fields with a longer season and more bodies walking through the gate, while YVLB has a shorter season with one ball field and fewer opportunities for gate fees or concession fees. He said that he has a hard time levying the same fee to all entities when opportunities to generate revenue are so different.

City Administrator Kelly responded that YVLB is different from the other two entities they pay approximately fourteen thousand dollars in wages to their coaches, while SNLL and GYGSA operate on a volunteer basis only aside from those paid to work the concession stand.

Council Member Finch inquired if the City has received financial records from YVLB showing where their money is going.

City Administrator Kelly replied in the affirmative.

Council Member Finch commented that she would be interested in seeing those records, adding that it is hard to make a decision when one can't see where their money is going.

Council Member Smeback felt that it wasn't the Council's business to look at their financial records.

Council Member Finch responded that it is City property.

Council Member Overby expressed his approval of option four.

City Administrator Kelly remarked that GYGSA and SNLL, unlike YVLB, do not have an exclusive use agreement in place; other entities can come in and play on those fields.

Council Member Smeback asked Council Member Finch if she feels that the City should be involved in investigating all non-profit organizations that use any City facility.

Council Member Finch responded that it has been stated several times that YVLB cannot financially support this, but without records there is nothing to prove whether this is accurate.

City Attorney Noe remarked that the City is not generally in the business of asking entities for their financial records; however, there are extenuating circumstances with YVLB.

Council Member Overby agreed that it is not our business and added that their financial state should not be part of our decision when deciding what fees to assess.

Council Member Finch commented that the Council has been portrayed as villains who are keeping kids from playing baseball. She added that it is frustrating to rely simply on someone's word with no records to back up their statements. She acknowledged that requesting records from a non-profit organization is crossing a line, but she would like to know for sure where their money is going.

Council Member Smeback observed that these organizations exist on backs of people who run fundraisers and people who pay to play. He said that the profits generated are put into the fields and improvements for the City's benefit, and that he feels this isn't being appreciated enough.

Council Member Tierney remarked that Council can beat this to death all night long and will never find equity in the charges to each entity. He went on to say that we need to try to offset the costs incurred by the City regarding maintenance and utilities; other taxpayers should not have to foot the bill for my grandson to play baseball. He reviewed the options available to Council based on discussions with the three entities and said that they need to do something to assist City.

Council Member Smeback commented that it hasn't been that long ago that Council voted to spend money on a new tourism brochure, and that he feels Council isn't recognizing that these three entities have generated a significant amount of dollars for a long time.

Council Member Larson remarked that Council Member Tierney made a valid point; there isn't a specific number that would work for all three entities as they are so different from one another. He said that the City is looking to recoup some of their operating costs, and that it doesn't feel right to allow someone exclusive rights without compensation. He added that he also agrees with Council Member Smeback's comments as well. He expressed concern that the City has no way of knowing the financial situation of these entities, but it would seem that there would be a couple thousand dollars there to help cover maintenance costs.

Council Member Tierney observed that he has coached SNLL and other sports, and all were non-paid volunteer positions.

Council Member Schmid felt that Council needs to look at what is best for the City regarding usage of the areas under discussion. He said that one concern regarding Wood Field was the exclusive use of said field by YVLB after the Selah High School season, adding that neither GYGSA nor SNLL have exclusive rights to the fields they play on, and we need to consider what dollars come back to the City. He briefly stated the amount that GYGSA pays to the City for general maintenance, field preparation, tournament prep work and fees, as well as paying fifty percent towards improvements to the facility since its completion. He went on to say that SNLL has done a tremendous job on their facility; although they give nothing back to the City, volunteers have put in a considerable amount of time and money into improvements and maintenance. He stated that there is not a finer Legion field in the Pacific Northwest than Wood field, but they give nothing back to City and still want exclusive usage rights. He said that Council has to look at what is going on in at that facility and what their responsibilities should be to the City; they should not expect exclusive rights and pay no compensation for that. He added that he spends a considerable amount of time every summer down at those fields, and has seen a lot of work done by both the City and volunteers. He remarked that youth sports are where tourism is today.

Council Member Overby remarked that he has already voiced his opinion, and that he knows the entities are not equal but he cannot accept the City having an exclusive agreement with someone who pays nothing for it. He went on to say that he thinks this is fair and that he agrees with Council Member Smeback regarding the financial situation.

Council Member Torkelson stated the he doesn't feel that the City should take money from the youth; this is a convoluted situation with different fields. He does not think that YVLB should have exclusive rights to Wood Field, as it is a City field. He suggested tabling the matter and doing further research, as he feels that they need additional information to make an informed decision on the matter.

Council Member Larson asked if the electricity for Wood Field, roughly fifteen hundred dollars, is the City's responsibility.

City Administrator Kelly replied that the proposal has a flat fee of three thousand dollars, as YVLB maintains the infield; approximately six to seven hundred dollars of the estimated fifteen hundred dollars is expenses for trash, along with electricity, water and sewer.

Council Member Tierney thanked City Administrator Kelly for the tremendous amount of work he put into this task.

Council Member Torkelson seconded Council Member Tierney's remark.

Council Member Tierney moved, and Council Member Overby seconded, to approve Option 4 from the AIS:

A. SNLL expressed dislike to changing its existing contract that runs out in 2018. Reduce the amount of maintenance or other costs the City provides to them by the amount they would have paid with our original proposal.

B. YVLB did not want to pay any additional money. Charge them a \$3,000 use fee. Acknowledge the work that they put into maintaining the infield by not charging them any utility costs that the City incurs.

C) GYGSA was willing to increase additional expenses to maintain the existing relationship with the City. They already pay a \$3,000 use fee and pay for most of the utility cost. No change is recommended to our current arrangement.

Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – no; Council Member Schmid – no; Council Member Finch – yes; Council Member Torkelson – no. Motion passed with 4 yes votes and 3 no votes.

M. Resolutions

1. Resolution Declaring Real Property Surplus and Authorizing Disposition of the Same

City Administrator Kelly addressed M – 1. He said that this is the Resolution that will surplus the properties previously discussed during the Public Hearing.

Council Member Larson moved, and Council Member Overby seconded, to approve the Resolution Declaring Real Property Surplus and Authorizing Disposition of the Same. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

- * 2. Resolution Authorizing the Mayor to Sign a State Participating Agreement with Washington State Department of Transportation (WSDOT) for the East Goodlander Road Improvements Project
- * 3. Resolution authorizing the Mayor to accept the Well No. 5 Redevelopment Project as Complete

4. Resolution Authorizing the Mayor to Sign Huibregtse, Louman Associates, Inc. Task Order 2013-2 between the City of Selah and Huibregtse, Louman & Associates Inc. to Update the Water System Plan for the City of Selah

Public Works Director Henne addressed M – 4. He said that the Department of Health requires any city with one thousand or more water connections to update its water system plan every six years. He explained that the water system plan is a document that outlines what the City has for infrastructure and includes items such as financial planning, water rights, and maps.

Council Member Larson wondered if this document is required for grant applications.

Public Works Director Henne responded in the affirmative.

Council Member Schmid asked about the fiscal impact, saying that the AIS indicates a need for seventy-five thousand dollars, which is five thousand dollars more than budgeted for this project.

Public Works Director Henne replied that he is requesting an additional five thousand dollars beyond the seventy thousand budgeted. He went on to say that he discussed this with Clerk/Treasurer Novobielski, who indicated that the new approach to budgeting is that we are fine provided we don't exceed the bottom line at the end of the year.

Council Member Larson asked for confirmation that he has budgeted for this.

Public Works Director Henne replied in the affirmative, but indicated that the total cost is five thousand dollars above what he had budgeted for the project.

Council Member Larson moved, and Council Member Torkelson seconded, to approve the Resolution Authorizing the Mayor to Sign Huibregtse, Louman Associates, Inc. Task Order 2013-2 between the City of Selah and Huibregtse, Louman & Associates Inc. to Update the Water System Plan for the City of Selah. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

5. Resolution Establishing April 9, 2013 as the Public Meeting Date to Consider the Proposed "West Goodlander" Annexation

Community Planner Davison addressed M – 5. He said that letters were sent to property owners within the boundaries of the proposed annexation in January and February of this year, along with a map highlighting the area, requesting that they respond regarding the proposed annexation. He noted that those parcels identified in yellow indicate property owners with an existing outside utility agreement (OUA), and that those parcels in pink/purple identify those who responded favorably to the annexation. He reviewed Exhibit A, noting that the proposed annexation would include the remainder of West Goodlander Road and the houses on both sides of Lorry Lane. He commented that the City needs to have a hearing on the matter in April, and then whether or not to proceed with the annexation. He requested that Council set the hearing date so that the property owners can be notified.

Council Member Tierney asked if there were any unpaved roads in the area shown on Exhibit A.

Community Planner Davison replied that Lorry Lane is unpaved and has no sewer line, although it has a water line running up to it.

Council Member Tierney wondered about future sewer requirements.

Community Planner Davison responded that typically the developer puts them in or someone forms an LID to cover the expenses.

Council Member Tierney asked if the boundary lines in Exhibit A were adjusted to make it sixty percent favorable.

Community Planner Davison replied that they were redrawn because no one along Herlou Drive expressed interest in annexation as they have private water systems and septic tanks, although Lorry Lane is still included in the proposed annexation. He added that the area is eighty-five to ninety percent positive for annexation if one includes those properties with an OUA.

Council Member Tierney inquired if those residents in white gave no response regarding annexation.

Community Planner Davison replied in the affirmative.

Council Member Schmid commented that he is against changing the boundary from what they originally had drawn, as they are creating a finger island by eliminating a portion of the original area.

Council Member Tierney opined that it is a law enforcement nightmare.

Council Member Schmid suggested that they go back to original proposal. He recommended a house to house canvas of Lorry Lane and Herlou Drive to get their opinions on the matter before proceeding with the annexation. He stated that he is concerned that they are all on forty plus year old septic systems, and the Health Department will not allow them to do major repairs to a septic system because they are close to the City. He prefers bringing the whole area in at one time, as it will make for cleaner boundaries.

Council Member Larson suggested that they try the original annexation first, and then look at changing the boundaries if there isn't enough support for it.

Council Member Smeback asked if everyone had been contacted.

Community Planner Davison responded that letters were sent out to all parties.

Council Member Tierney said that his understanding is that those who do not respond are assumed to not favor an annexation, but he prefers to think that they do want to be annexed but opt not to respond.

Council Member Smeback wondered why someone with their own water and sewer systems would be in favor of annexation.

Council Member Tierney responded that it would be for better law enforcement.

Council Member Schmid observed that their water system isn't that good.

Council Member Smeback remarked that either the septic or the water has to go bad before they will make a move towards annexation. He added that, if they decide to do a door to door canvas, they will need documentation showing why the advantages of annexing in to the City versus staying in the County to allow the homeowners to make an informed decision.

Community Planner Davison responded that the original letter that was mailed out contained that information.

Mayor Gawlik asked if any of these properties had an OUA with the City.

Community Planner Davison replied that all properties shaded either purple or yellow on the map had existing OUAs.

Council Member Smeback expressed concern that those who have septic systems currently would expect the City to extend the sewer line to them if they were annexed in and had a septic system failure.

Community Planner Davison commented that language can be included in the handout indicating that the City will not be responsible for things like septic tank replacements or the community water system.

Council Member Tierney remarked that the County would not allow them to rebuild a septic system anyway.

Community Planner Davison stated that the Department of Health will not issue a permit for a new septic drain field if the public sewer is within two hundred feet.

Public Works Director Henne added that, if one is in the County, the Department of Health may still opt to issue a repair or rebuild permit; however, once these properties have been annexed in they will not.

Council Member Overby inquired if the annexation was initiated because a couple petitioners wanted in.

Community Planner Davison replied in the affirmative.

Council Member Overby opined that doing a door to door canvas on this annexation is different from the procedures followed for past annexations; they haven't gone to any extraordinary measures to proceed with an annexation in the past.

Council Member Schmid commented that, prior to this, the City has not tried to annex in a section with such a high residential housing level at one time.

Council Member Overby remarked that, even if we achieved the sixty percent needed to proceed, the remaining forty percent may feel that the City went out of its way to push the annexation through.

Community Planner Davison said that Council has the ability to deny the two requests for annexation if they so choose.

City Administrator Kelly wondered what percentage of those parcels contained within the proposed annexation are in favor of annexation.

Community Planner Davison responded that approximately forty-three percent of Exhibit 1 is in favor of annexation; approximately eighty-five to ninety percent of Exhibit A would be in favor if the City required that all who have an existing OUA be annexed in.

Council Member Schmid moved, and Council Member Tierney seconded, to do a door to door canvas of residences in the Lorry Lane area to determine whether they would like to be annexed in. Roll was called: Council Member Larson – no; Council Member Overby – no; Council Member Tierney – yes; Council Member Smeback – no; Council Member Schmid – yes; Council Member Finch – no; Council Member Torkelson – recused. Motion failed with 2 yes votes, 4 no votes and 1 recusal.

Council Member Schmid wondered why the City would want to take in that part of Goodlander Road, as indicated on Exhibit A, if we aren't annexing the houses as well.

Community Planner Davison replied that the boundary review board will require that the City annex in that section of Goodlander Road when annexing in Herlou Drive and Lorry Lane.

Council Member Larson moved, and Council Member Smeback seconded, to go with the staff recommendation to annex in Exhibit A. Roll was called: Council Member Larson – yes; Council Member Overby – no; Council Member Tierney – no; Council Member Smeback – yes; Council Member Schmid – no; Council Member Finch – no; Council Member Torkelson – recused. Motion failed with 2 yes votes, 4 no votes and 1 recusal.

Council Member Tierney wondered if the public hearing could be held on Exhibit 1, which has a forty-three percent positive response including those who have existing OUAs. He added that the City has not received a response from a large number of those located within the proposed annexation, and they may be in favor of annexation.

Council Member Smeback didn't feel that additional staff time should be wasted on an annexation with such a low percent of people in favor of annexation.

Council Member Tierney responded that holding a public hearing on Exhibit 1 would give those who are in that area a chance to speak out either for or against the annexation.

Council Member Overby asked if Council is setting a public hearing date simply because the percentage needed to proceed with the annexation in Exhibit 1 is less than that required.

Community Planner Davison replied in the affirmative, saying that the City would need sixty percent in favor to annex and he doesn't believe that there will be more than forty-three percent of those in Exhibit 1 willing to agree to the annexation.

Council Member Larson wondered if the potential annual fiscal impact for Exhibit A was based on the property tax that would have been collected if they were annexed in to the City.

Community Planner Davison responded in the affirmative.

Council Member Larson asked his fellow Council Members why they voted against proceeding with the annexation of Exhibit A.

Council Member Overby replied that he would like to see the area squared off, as shown in Exhibit 1. He added that he would be in favor of Exhibit A if it were more squared off without that little island section.

Council Member Tierney commented that he opposed it because he didn't like the gerrymandering of it.

Police Sergeant Steen remarked that, from a law enforcement perspective, it is easier when things are in a bigger chunk for patrol because it can create confusion with neighbors when some are in the City and some are in the County as well as creating potential dispatch and jurisdiction issues with both City and County law enforcement. He added that, whatever Council decides on this, the Selah Police Department will make it work.

Mayor Gawlik commented that this is similar to the situation in both Wapato and Toppenish with regard to tribal-owned lands within city limits, as the city police defer to tribal law enforcement on tribal-owned lands.

Council Member Smeback asked if the City had annexed in some R-1 property across the street.

Community Planner Davison replied in the affirmative, saying that it was annexed in as R-2.

Council Member Smeback inquired if the City put in additional effort to square off all the boundaries.

Public Works Director Henne replied that it was one lot deep.

Council Member Smeback said that boundaries will never be moved if all proposed annexations are large chunks of area; there will be people who want to stay in the County and people who need to come into the City.

Council Member Larson noted that, while it is illegal to create an island, the area in Exhibit A is a peninsula, not an island.

Community Planner Davison listed the original petitioners, noting that the those parcels shaded in yellow all have existing OUAs, as do most of those shaded in purple.

Council Member Schmid wondered if parcels forty-four and forty-four three are served by water or sewer.

Community Planner Davison replied that they are not served by any services.

Council Member Schmid asked about forty-four four eleven.

Community Planner Davison replied that it has no services at this time. He went on to say that they lost their drain field when the County redid the road, and the Health District required that the County replace the drain fields. He added that the County was the petitioner for OUAs for all those properties along the east side of Selah loop Road.

Council Member Larson commented that, if you are going to wait until it is a perfectly square area, it will be a long time before the City annexes in properties. He thought it would be a mistake to pass up annexing in a section with such large percentage of owners in favor of it.

Council Member Overby agreed, saying that this is a very residential-looking area and it doesn't have to be squared for annexation. He expressed concern over having a peninsula of land as part of the annexation in Exhibit A.

Council Member Finch said that she would prefer to hold a hearing on Exhibit 1, feeling that it is time wasted at this point if they simply drop the annexation.

Council Member Torkelson said that the City is providing water and sewer to Lyle Loop and most of that section of Goodlander, but feels that those along Lorry Lane will not be in favor of the annexation. He expressed concern that Council would turn down a potential source of additional revenue simply because it isn't a perfect shape when they are struggling with financial issues.

Council Member Finch responded that her concern with Exhibit A is that sliver of town that would not be covered by the police department.

Council Member Torkelson remarked that Police Sergeant Steen indicated that they would handle it. He added that there is room for potential growth as well as a lot of revenue for the City, and he cannot believe that Council would turn it down.

Council Member Finch suggested holding a public hearing on Exhibit 1, and mailing out another letter asking people to attend and comment on the issue.

Council Member Larson expressed concern that it will cost the City time and money.

Council Member Overby wondered if there was anything to prevent the City from proceeding with a different annexation configuration if the proposed Exhibit 1 doesn't have enough support after the hearing is held.

Community Planner Davison replied that they can decrease the size of the boundary, but not increase it.

Council Member Schmid asked which map was sent out.

Community Planner Davison responded that Exhibit 1 was sent out.

Council Member Tierney said that Council could choose to adopt Exhibit A if there isn't enough interest from those in Exhibit 1.

Council Member Larson wondered what the City's role is in this process.

Community Planner Davison replied that they will mail out another letter to the parties with the map of Exhibit 1.

Council Member Finch moved, and Council Member Tierney seconded, to hold a Public Hearing on the area designated as Exhibit 1. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – recused. Motion passed with 6 yes votes and 1 recusal.

Council Member Smeback moved, and Council Member Schmid seconded, to approve the Resolution Establishing April 9, 2013 as the Public Meeting Date to Consider Exhibit 1 as the Proposed "West Goodlander" Annexation. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – recusal. Motion passed with 6 yes votes and 1 recusal.

N. Ordinances

1. Ordinance of the City of Selah, Washington, amending Selah Municipal Code Chapter 20.24, Building Code Fees by increasing building permit fees, plumbing fees, mechanical fees, and other inspection and fees set forth therein

Council Member Overby commented that there are options to consider, but no recommendation listed.

City Administrator Kelly replied that his recommendation would be to move in direction of being more sustainable, like what the City of Yakima does, and have things pay for themselves.

Council Member Smeback wondered why the expenses stayed the same whether the City was in the midst of a building boom or a building slump.

Public Works Director Henne responded that the primary expenses are salary for the Code Enforcement and Building Inspector.

City Administrator Kelly remarked that, in a perfect world, you could hire someone to come in as needed, but you want to have someone you trust and rely on for consistency. He went on to say that one way to run a building department is to have it be an enterprise fund, which would allow you to set some money aside when you have a higher revenue year.

Council Member Smeback said that he would prefer to look at the expenditures and tax those who are building accordingly, to cover those expenses, rather than comparing the City with other entities in the County.

City Administrator Kelly replied that he understands where he is coming from, but is unclear how that would work each year. He wondered if the fee would vary based on the number of permits each year.

Council Member Smeback asked why the expenses aren't being dropped during years when the need is lower.

City Administrator Kelly replied that it is a fixed cost; the only thing to do that would be to contract with the City of Yakima or tell the employee he will be only half-time during those years. He added that you run the risk of losing good employees that way.

Public Works Director Henne remarked that the expenses are not simply Code Enforcement Officer Brons' salary, but also a portion of his and Administrative Assistant Turner's salaries.

City Administrator Kelly observed that the cost of training is that same for our employees and City of Yakima employees.

Public Works Director Henne commented that the reason we went to a full-time employee was due to adding code enforcement to his responsibilities.

Council Member Larson agreed with Council Member Smeback that it doesn't make sense to go with someone else's fees, also felt that going so many years between rate increases also didn't make sense. He liked the idea of tying the increase to a CPI, with a review of the fees every few years.

Public Works Director Henne remarked that charging the same fees as the City of Yakima will cover our contract with them for as-needed building inspection services regarding the school projects.

Council Member Overby agreed with his fellow Council Members that it was too long a period between fee increases, but added that he wasn't really sure what a fair fee would be.

Council Member Larson moved, and Council Member Overby seconded, to approve the Ordinance of the City of Selah, Washington, amending Selah Municipal Code Chapter 20.24, Building Code Fees by increasing building permit fees by 20% and increasing the other fees by 25%, effective immediately, and to build in an escalator of 80% tied into the Seattle Tacoma CPI for all Urban Consumers. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

O. Communications

1. Oral

Mayor Gawlik opened the meeting.

David Frampton approached the podium and addressed the Council. He said that he is a past president of SNLL and has also served on their council for eight years. He expressed his disappointed in City Council's decision, saying that he believes it was a blind decision without all the facts. He asked City Administrator Kelly to confirm that SNLL has put approximately eighty thousand dollars into McGonagle Park over the last four years.

City Administrator Kelly responded in the affirmative, saying that this amount is far beyond what they are contractually obligated for.

Mr. Frampton said that it is erroneous to say that SNLL has done nothing for the community when they have contributed approximately eighty thousand dollars over the last four years.

Council Member Overby observed the SNLL is the sole beneficiary of those improvements, and that the Council Members have a responsibility to represent the entire community, most of who have no access to that field.

Mr. Frampton replied that the field is a public park.

City Administrator Kelly clarified Council Member Schmid's earlier remark, saying that the Council Member meant that SNLL doesn't give the City a cash fee for park usage.

Mr. Frampton asked for confirmation that the City is not here to make a profit.

Council Member Tierney replied that they need to remain solvent.

City Administrator Kelly remarked that this is not a revenue generator; the City will never make money on these parks.

Mr. Frampton asked how much the City spent to build Carlon Park.

Mayor Gawlik replied that it was one point three million dollars.

Mr. Frampton then inquired how much money the City spent to build McGonagle Park.

City Administrator Kelly responded that it was approximately one hundred twenty thousand dollars cash; however, they have also put a significant amount of money into maintaining the facility, including roughly forty thousand dollars a year for maintenance.

Mr. Frampton asked how much GYGSA pays annually for field maintenance.

City Administrator Kelly replied that the City doesn't separate Carlon Park from Wood Field and that for both fields it is approximately seventy-eight thousand dollars annually.

Mr. Frampton asked if that number excluded the revenues.

City Administrator Kelly responded that the number was gross costs to maintain the fields.

Mr. Frampton inquired as to the cost to maintain McGonagle Park.

City Administrator Kelly replied that it is approximately forty-five thousand dollars on an annual basis.

Mr. Frampton felt that they were attempting to blend together numbers that aren't even close; the field at McGonagle Park was built primarily using citizens' money and it costs considerably less to service than the Carlon Park complex. He wondered why the City was asking SNLL to pay additional cash for services when they are already contributing twenty thousand dollars a year.

Council Member Larson remarked that today's decision was to make no change to the contract between the City and SNLL.

City Administrator Kelly added that the City will do forty five hundred dollars' less work out at McGonagle Park than has been done in the past.

Mr. Frampton said that the SNLL opened their books when asked to do so by the City, but the City did not reciprocate by showing what services they provide that equal the dollar amount from SNLL.

City Administrator Kelly replied that he has spoken to several other SNLL board members regarding this matter.

Mr. Frampton opined that some of the options suggested would breach the existing contract between SNLL and the City.

City Administrator Kelly noted that the contract states that the City will maintain the facility, but it does not specify to what extent they maintain the facility.

Mr. Frampton asked for clarification that they will be reducing services to McGonagle Park.

City Administrator Kelly replied in the affirmative.

Council Member Tierney remarked that it was the only option available to Council.

Mr. Frampton said that there were other options available that could have been adopted.

Council Member Tierney replied that SNLL would not sit down and discuss a renegotiation of the contract.

Mr. Frampton responded that SNLL put in a far higher dollar amount, way above and beyond; why would they opt to renegotiate it?

Council Member Tierney said that the amount they put into building the facility is not under discussion at present; what the City asked is if they would be willing to renegotiate the contract and SNLL refused to do so. He added that the only option left to Council was to reduce the amount of maintenance provided to the facility.

Mr. Frampton remarked that it is clear to him that Council does not see the benefit of the thousands of hours that go into that field, and the money that the community put into it.

Council Member Tierney stated his denial of the remark, saying that Council appreciates what they have done at that field.

Tim Vick approached the podium and addressed the Council. He stated that he is the current SNLL president, and as such, he has a board he will make a report to regarding tonight's decision. He said that point eight of the salaried employee is currently designated for upkeep at McGonagle Park

City Administrator Kelly commented that it is point eight FTE.

Mr. Vick wondered what a forty-five hundred dollar reduction of services would come out to.

City Administrator Kelly replied that it would be an approximately point one percent reduction.

Council Member Larson added that ten percent less time will be spent up at McGonagle Park by that employee.

City Administrator Kelly said that it could be less time or less supplies; the forty-five thousand includes all expenditures, not just wages.

Mr. Vick asked for confirmation that it has been reduced from point eight percent to point seven percent.

City Administrator Kelly responded in the affirmative.

Mr. Vick asked Parks, Recreation, & Tourism Director Hagler what fee amount was given to him for the last tournament.

Parks, Recreation, & Tourism Director Hagler said that he would have to look it up.

City Administrator Kelly remarked that it was approximately fifteen hundred dollars.

Mr. Vick noted that there will be two more tournaments this season. He went on to say that, if the City receives an additional fifteen hundred dollars for each tournament, it would be a total of forty-five hundred dollars from these three tournaments going to the City.

Parks, Recreation, & Tourism Director Hagler stated that he would have to check those figures as he felt they were higher than that.

City Administrator Kelly commented that the City had close to fifteen hundred dollars in expenses for the recent tournament, which did not leave much net gain.

Mr. Vick said that he understands the City's desire to renegotiate the contract. He went on to say that he will report to his board that the services for McGonagle Park will be reduced from point eight to point seven. He added that the SNLL is the least expensive league in the valley to play in, as they want to have as many kids as possible afford to play. He wondered if they will need to look at raising rates to cover rising expenses.

City Administrator Kelly commented that, per the contract, the SNLL is required to set aside a certain amount of money to be spent on the City's field, but they go over and beyond that dollar amount and put it back into the field. He said that simple logic dictates that they could do a little less on the field and use it to cover the fee requested by the City.

Mr. Vick responded that they take the donations given to them and put the money right back into the field, which results in an incredible product that the City gets to benefit from with tourism dollars. He doesn't foresee a time where they would opt to take a step back and do less fundraising to pay a fee of the City.

Council Member Larson commented that their group wants to spend that money rather than turn it over to the City to let the City spend it.

Mr. Vick replied that, per the contract, SNLL and the City partner to decide how those monies are used for capital improvements on the field.

Council Member Smeback inquired how many kids were in SNLL this year.

Mr. Vick replied that they have approximately two hundred kids signed up. He said that this decision hurts, as the product of the different organizations is essentially different. He noted that there was talk earlier about needing additional information prior to making a motion, yet Council opted to approve it anyway.

Council Member Larson asked if SNLL was informed of the City's desire to renegotiate the contract, saying that the City really didn't want to make this decision.

Mr. Vick responded that the contract was put together by some of the founding fathers of SNLL, and they felt it was inappropriate to renegotiate the contract. He expressed his disappointment in the direction Council chose to go with this, noting that the contract is in place for another fifteen years.

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

P. Reports/Announcements

1. Mayor

Mayor Gawlik said that on June 21, 1913 the trolley made its first run to the City of Selah, and on the 100th anniversary of that occasion the trolley association will commemorate the event with a reenactment of that first trip.

2. Council Members

Council Member Finch had no report.

Council Member Schmid had no report, but commented that Sunday marked the start of the baseball season.

Council Member Overby had no report.

Council Member Smeback had no report.

Council Member Torkelson had no report.

Council Member Larson wondered if Community Planner Davison was able to track down why some of the residents directly across the street from Palm Park did not receive notice.

Community Planner Davison responded that notices were mailed out to all the property owners and he has no control over the mail once it goes to the post office.

Council Member Larson said that it seems odd that houses directly across the street wouldn't receive their notices.

Community Planner Davison remarked that only one house directly across the street said that they didn't receive the notice.

Council Member Tierney said that he attended the Lodging Tax Advisory Committee (LTAC) meeting Monday morning, and one item discussed was the Sports Forum was not giving any credit to Selah when they publicize the locations of the softball games.

Parks, Recreation, & Tourism Director Hagler responded that he met with them today and this will be changed for the future.

Council Member Tierney would like Council to consider at the next meeting the possibility of using Transit funds to get the trolley system back in town for the summer season.

Council Member Overby remarked that he didn't think those funds could be used for that purpose. He added that he supports the idea but we need to keep things legal.

3. Boards
 - a. Planning Commission Minutes – December 4, 2012
4. Departmental

Clerk/Treasurer Novobielski had no report.

Public Works Director Henne commented that next week is spring break for the Selah School District. He said that the crew will be painting the crosswalks around town, and that the first meter readings of the year have been done. He added that City Administrator Kelly went out with some of the crew and they appreciated having him along.

Community Planner Davison said that the Public Hearing for the new school building will be coming up in two weeks; notices have gone out, signs are posted, and after the hearing the Planning Commission will send a recommendation to Council for a final decision on the project. He noted that he has received an inquiry for another cell tower around town, which will come before Council in the future.

Fire Chief Davis had no report

Parks, Recreation, & Tourism Director Hagler said that he is excited to incorporate the Wenas Mammoth project into Selah tourism, and that he will be working with them on that. He passed around a new Today in America broadcast notification that he received earlier in the day, noting that it will be aired in the New York area between April 4th and 26th as well as streaming on the internet. He handed out the updated tournaments list for the parks, commenting that this is the most tournaments Selah has had in a year. He added that they are working with the different entities to make these tournaments happen and, aside from the issues discussed tonight, they are working together to bring people to town for various tournaments.

Police Sergeant Steen had no report.

City Attorney Noe had no report.

City Administrator Kelly commented that it is a bummer to get into middle of tough negotiations with SNLL, GYGSA and YBLV, and not have an opportunity to appreciate them more for all the things they have done. He added that he is excited to move forward and that he appreciates everything these entities have done for Selah.

Council took a five minute recess.

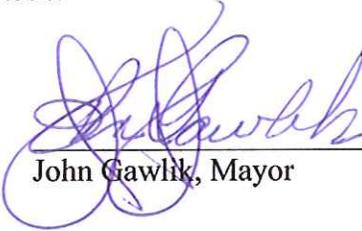
- Q. Executive Session
 1. 10 Minute Session re: Review the Performance of a Public Employee RCW 42.30.110(1)(g)

Council went into Executive Session at 9:03pm. At 9:13pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

R. Adjournment

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

The meeting adjourned at 9:13pm.



John Gawlik, Mayor

Keith Larson, Council Member

Paul Overby, Council Member

John Tierney, Council Member

Dave Smeback, Council Member



Allen Schmid, Council Member

Brooke Finch, Council Member

Carl Torkelson, Council Member

ATTEST:



Dale E. Novobjelski, Clerk/Treasurer