

City of Selah
Council Minutes
November 22, 2011

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

A. Call to Order Mayor Jones called the meeting to order at 4:00pm.

B. Roll Call

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

Members Excused:

Staff Present: Frank Sweet, City Supervisor; Dale Novobielski, Clerk/Treasurer; Jerry Davis, Fire Chief; Gary Hanna, Deputy Fire Chief; Gerald Smith, Master Patrol Officer; Jeff Hagler, Parks, Recreation & Tourism Director; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Councilman Tierney led the Pledge of Allegiance. Pastor Jason Williams led the opening prayer.

D. Agenda Changes **None**

E. Public Appearances

Mayor Jones welcomed the Selah Royalty. He commented that they put in a lot of work while serving, including a fair amount of traveling and dealing with adverse weather while attired in sleeveless dresses. He commended them for what they have done.

Miss Selah Tess McBride introduced herself and her royal court, Princesses Mariah Hall, Alexis Huff, Sydney Shelton, and Sierra Mazie. Ms. McBride thanked the Council for their support and shared three posters with pictures from various events.

Mayor Jones thanked the members of the court for coming to the Council meeting, observing that they do a great service for the City.

Ms. McBride replied by reiterating her thanks for the Council's support.

Councilman Tierney inquired about the date of the Light Up Parade this year.

Ms. McBride responded that the Selah Light Up Parade will be on December 3rd and invited the Council Members to attend.

Mayor Jones reiterated his thanks to Ms. McBride and her court.

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

G. Communications

1. Oral

Mayor Jones opened the Public Meeting.

Wayne Pederson approached the podium and addressed the Council. He stated his name and that he is from Selah.

Councilman Schmid asked that he state his address.

Mayor Jones also asked Mr. Pederson to state his address.

Mr. Pederson replied that his address is 631 Selah Naches Road, Selah, Washington.

Mayor Jones noted that he does not live within the City limits.

Mr. Pederson affirmed that he does not.

Mayor Jones reiterated that Mr. Pederson does not reside within the City limits.

Mr. Pederson thanked the not very smart voters of Selah for voting the way they did.

Mayor Jones informed Mr. Pederson that this is a Council Meeting for those who reside within the City limits of Selah and, as he is not a City resident, he will not be allowed to disrupt the meeting.

Mr. Pederson asked if the Mayor was saying that he cannot come to a Selah Council Meeting.

Mayor Jones requested that Master Patrol Officer Smith escort Mr. Pederson from the meeting.

Mr. Pederson handed a paper to Councilman Tierney, saying that he could do what he liked with it. He said he was glad that Mayor Jones is out of a job.

Mayor Jones responded that he needed to get a haircut and a job before coming back to see him.

Mr. Pederson was escorted out by Master Patrol Officer Smith.

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

2. Written

a. Letter from Charter Communications, Inc. re: upcoming changes

- b. Payment to T W Clark for Utility Maintenance Facility
- c. Rushmore Road Improvements Progress Estimate No. 3
- d. Letter from Deputy Sheriff Aaron Wuitschick thanking Officer Swale, Officer Hayes and Officer Steen for their assistance

Councilman Tierney observed that it is nice to see cooperation between the various agencies; it bodes well for reciprocal help in the future.

Councilman Schmid wondered if they used a big foot or if it was done cautiously.

Councilman Tierney asked Master Patrol Officer Smith to pass on their compliments to the crew.

- e. Construction Change Directive (CCD) # 6 for Public Works Maintenance Facility

H. Proclamations/Announcements **None**

I. Consent Agenda

Councilman Overby moved, and Councilman Jorgensen seconded, to add M-1, M-2, N-1 and N-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: Study Session and Council Meeting October 25, 2011
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 72190 – 72295 for a total of \$196,441.74
 - Payroll Checks Nos. 72296 – 72377 for a total of \$133,046.51
 - Payroll Checks Nos. 72378 – 72418 for a total of \$109,088.53
 - Claim Checks Nos. 59091 – 59176 for a total of \$164,598.10
 - Claim Check No. 59177 for a total of \$ 1,804.49
 - Claim Checks Nos. 59178 – 59238 for a total of \$149,260.55
- * 3. Resolution M – 1 Resolution Declaring Fire Department Equipment as Surplus and Authorizing Its Disposal
- * 4. Resolution M – 2 Resolution Authorizing the Mayor to Sign a Letter to Yakima Valley Conference of Governments (YVCOG) notifying them of the City of Selah’s Approval of the Proposed YVCOG 2012 Budget
- * 5. Ordinance N – 1 Ordinance Amending the 2011 Budget for Miscellaneous Expenditures

- * 6. Ordinance N – 2 Ordinance Amending the 2011 Budget for Funding of the Public Works Utility Maintenance Facility

Councilman Overby 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 **None**

K. New Business

- 1. Brewer Appeal of Administrative Official’s DENIAL of a Class 2 Use Application (major home occupation for a dog grooming facility in a private residence) (File:926 41 11-02)

Community Planner Davison introduced Bill Hordan from Hordan Planning Services, saying that Mr. Hordan filled in while he was out on medical leave. He went on to say that Mr. Hordan dealt with the case in question while filling in for him, so he will be presenting the staff report and documentation.

Mayor Jones welcomed Bill Hordan and invited him to speak.

Mr. Hordan opened by noting that he has done work for Council Members Dave Smeback, Kevin Jorgensen and Keith Larson in either a personal or a professional capacity, and in the appearance of fairness wanted to advise the Council of this and that he has not discussed this project with any of them.

Mayor Jones wondered if he should ask if anyone in the audience had a concern.

City Supervisor Sweet responded that Mr. Hordan is simply presenting the staff report and recommendation, and any Council Members who felt the need could step out of the meeting.

Mr. Hordan asked how they would like him to proceed.

City Supervisor Sweet suggested that he summarize the staff report.

Mr. Hordan indicated his willingness to do so, saying that the project had already been started at the time he stepped in for Community Planner Davison. He said that Mrs. Brewer had submitted an application for a dog grooming business in the basement of her residence in July of 2011. He went on to say that an inspection of the premises was done by Building and Fire Inspection personnel, and letters stating the Notice of Intent went out to the surrounding neighbors. He explained the confusion over whether there were two access points or only one, noting that there was a breakdown in communication with the Planning Department that led to a denial partially based on the erroneous assumption of only one point of ingress and egress and partially based on feedback from neighbors expressing concern over items such as barking dogs and excess traffic. He commented that additional information, such as the service being primarily for senior citizens and her purchase of a van to transport the animals to and from their residences, came to light after Mrs. Brewer submitted her appeal of the denial. He noted that the recommendation became approval of the proposed business, based on the size and the new information submitted upon filing of the appeal. He listed the five conditions for approval: operating hours of 7:30am-5:30pm Thursday, Friday and Saturday; no signs advertising the dog grooming are permitted; no dog boarding will be permitted; customer parking will be limited to the driveway on the north side of the residence; and approved for only Mrs. Brewer and Mr. Soucy at this location. He stressed that the business would be non-transferable to another party or another location.

Councilman Gawlik wondered if item number three regarding no business signage is in conflict with current City Ordinances.

City Supervisor Sweet replied that there is an Ordinance requiring signage of businesses in a residential area, but noted that no signage is a condition of approval for this particular business.

Councilman Gawlik expressed concern over whether a business is required to be labeled as such.

City Supervisor Sweet responded that he was not sure and referred the question to Community Planner Davison.

Community Planner Davison replied that it is a major home occupation, with people will be coming and going from the residence, which requires that notice be sent to the neighbors. He went on to say that it was denied and then appealed.

Councilman Gawlik reiterated his question about whether or not the Ordinance requires them to have signage.

Mayor Jones responded in the negative.

Mr. Hordan noted that Mrs. Brewer indicated that she would not be putting up any signs.

Councilman Overby asked if there was an estimate on the number of licensed daycare facilities embedded in residential neighborhoods.

Community Planner Davison responded that there are approximately two dozen licensed daycare facilities with people coming and going, but noted that there are many drop ship points and transcription businesses in residential neighborhoods.

Mayor Jones asked for comment from Fire Chief Davis.

Fire Chief Davis deferred to Deputy Fire Chief Hanna.

Deputy Fire Chief Hanna replied that there are approximately twelve in-home daycare facilities, excluding daycare centers.

Councilman Overby commented that there are a decent amount of them.

Deputy Fire Chief Hanna replied in the affirmative, adding that there is another in-home dog grooming place as well.

Councilman Overby said that his reason for asking was to point out that there are a fair number of businesses located in residential areas, with traffic coming and going.

Councilman Tierney wondered how many dogs would be on site at any given time, and if there are several how that fit in with the condition that no boarding is allowed.

Mr. Hordan noted that Mrs. Brewer and Mr. Soucy were in attendance to answer questions. He went on to say that they have indicated to him that there would only be two to three clients per day, which is in line with the size of the facility, and that each dog would be kenneled in a carrier when not being groomed.

Mayor Jones said that there is a dog grooming facility in the Sunrise Addition, overlooking the Junior High, which people don't realize is there, He commented that there is very little traffic created by people dropping off and collecting their animals.

Councilman Jorgensen inquired about enforcement regarding compliance, and accountability for compliance, to the conditions.

Mr. Hordan responded that the City would have 100% code compliance; it is a Class 2 land use permit issued by the Planning Department and enforced by Code Enforcement Officer Brons.

Councilman Jorgensen asked if it could be revoked by a Council action.

Mr. Hordan replied that he wasn't sure and would need to look at the Ordinances to see what it take to revoke a permit. He noted that the first step is to encourage the individuals to comply, and if they do not then take additional measures.

Councilman Jorgensen said that he has reviewed it thoroughly and feels that it should be approved with the conditions stated.

Mayor Jones opened the Public Meeting.

Helen John, 1011 Goodlander Drive, approached the podium. She said that she and her husband purchased a home in Goodlander Drive as it a pleasant neighborhood to retire in, in spite of the barking dogs. She observed that she has been bitten two different times while walking the neighborhood and spoke briefly about each encounter and her frustration with those not complying with City Code regarding dogs. She stated that it is a residential neighborhood and felt that they don't need more dogs brought in.

Dan Soucy responded that the dogs will be brought into the house via dog carriers and would not be running loose through neighborhood at any point, but would remain inside the facility at all times.

Councilman Jorgensen asked Mr. Soucy if either of the dogs involved in the previous incidences were owned by either Mrs. Brewer or himself.

Mr. Soucy responded in the negative, saying that they have a fenced in yard for their two dogs.

Councilman Jorgensen asked for confirmation that Mr. Soucy has no knowledge of his dogs running loose through the neighborhood.

Mr. Soucy replied that they have never been out of the yard without being leashed.

Mrs. John commented that the dogs that attacked her were leashed as well, but got away from their owners.

Mr. Soucy asked if either animal was one of his dogs.

Mrs. John replied in the negative.

Mr. Soucy stated that he has no control over animals owned by other people.

Robert John approached the podium. He inquired if the license for the facility would be a kennel license.

City Supervisor Sweet responded in the negative.

Mr. John went on to say that he would like to see City refuse this permit, based on his wife' testimony. He noted that the owners of the dogs that attacked her moved away, but that there are still some large-sized dogs in the neighborhood. He said that he would like to see the Animal Control Officer takes steps to deal with the numerous barking dogs in the neighborhood. He commented that one owner has been required to have his dog's throat modified surgically to prevent disruptive barking, as the incessant barking in the bowl-shaped area echoed throughout the neighborhood. He reiterated that he would like to see the City deal with the issue of barking dogs, and do so before dealing with the dog grooming application.

Sue Lawrence, 903 Goodlander Drive, approached the podium. She stated that she lives directly south of Mrs. Brewer, and while the neighborhood does have a fair number of dogs she feels that they do not bark all the time. She went on to say that she has no qualms about having this business located in her neighborhood and noted that Mrs. Brewer keeps her dogs quiet.

Councilman Jorgensen said that would like to see what the City can do regarding Mr. John's complaint. He commented that he is amazed that a dog left alone all day can bark incessantly throughout the day. He related a story about talking with owners regarding their barking dog and their decision to acquire another dog, which resulted in two dogs barking instead of simply one. He noted that that additional steps were taken and those dogs no longer bark. He went on to say that people need to talk to their neighbors about responsible pet ownership.

Mr. John indicated that they have.

Councilman Jorgensen said encouraged the neighbors to contact any of the Council Members that if there are any issues with this particular business and demand accountability for any problems that may arise.

Mayor Jones commented that he is amazed at how many dogs there are in Selah, noting that the average family has two or three dogs, and that the owners keep their animals under control.

Councilman Overby wanted to clarify that the motion is to overturn the Administrative Official's denial of a Class 2 Use Application.

Councilman Jorgensen moved, and Councilman Larson seconded, to Support the Staff Recommendation to Overturn the Administrative Official's Denial of a Class 2 Use Application and Issue a Permit with Conditions as Stated. Roll was called: Council Member Gawlik – yes; Council Member Schmid – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member Jorgensen – yes; Council Member Larson – yes; Council Member Tierney - yes. By voice vote, approval was unanimous.

Councilman Tierney moved, and Councilman Gawlik seconded, to Refund the Appeal Fee Paid by Ms. Brewer to the City of Selah. Roll was called: Council Member Gawlik – yes; Council Member Schmid – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member

Jorgensen – yes; Council Member Larson – yes; Council Member Tierney - yes. By voice vote, approval was unanimous.

L. Old Business **None**

M. Resolutions

- * 1. Resolution Declaring Fire Department Equipment as Surplus and Authorizing Its Disposal
- * 2. Resolution Authorizing the Mayor to Sign a Letter to Yakima Valley Conference of Governments (YVCOG) notifying them of the City of Selah's Approval of the Proposed YVCOG 2012 Budget
- 3. Resolution Authorizing the Mayor to Sign the Change Order Proposal (COP) #7R for the New Public Works Utility Maintenance Facility

Public Works Director Henne addressed M-3. He said that the contractor offered to pave a wider area piece behind facility than the triangle shaped piece originally indicated, as it would be easier for them to pave as well as provide additional paved area for the Public Works crew. He went on to say that they chose to have the additional area paved, and would like to have the fence line moved out to better utilize the larger paved area. He noted that the fence has not been installed as of yet, and that the contractor has asked for an additional \$1,246.00 to cover the costs of the extra materials needed.

Councilman Tierney inquired as to what the funds cover, if the fence is not in place yet.

Public Works Director Henne responded that the fence is not in place, but they will need to purchase additional materials to extend the fencing.

Councilman Larson moved, and Councilman Jorgensen seconded, to approve the Resolution Authorizing the Mayor to Sign the Change Order Proposal (COP) #7R for the New Public Works Utility Maintenance Facility. Roll was called: Council Member Gawlik – yes; Council Member Schmid – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member Jorgensen – yes; Council Member Larson – yes; Council Member Tierney - yes. By voice vote, approval was unanimous.

- 4. Resolution Authorizing the Mayor to sign a Sub-recipient Contract for purposes of the Byrne Memorial Multi-Jurisdictional Gang-Drug Task Force grant to the L.E.A.D. Task Force of which the City is a member and a subgrantee

City Supervisor Sweet addressed M-4. He said that this is a renewal of a contract the City currently has with the Task Force, noting that it is a housekeeping matter which allows the City to get reimbursed for the Officer's time in the Task Force.

Councilman Overby moved, and Councilman Smeback seconded, to approve the Resolution Authorizing the Mayor to sign a Sub-recipient Contract for purposes of the Byrne Memorial Multi-Jurisdictional Gang-Drug Task Force grant to the L.E.A.D. Task Force of which the City is a member and a subgrantee. Roll was called: Council Member Gawlik – yes; Council Member Schmid – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member

Jorgensen – yes; Council Member Larson – yes; Council Member Tierney - yes. By voice vote, approval was unanimous.

N. Ordinances

- * 1. Ordinance Amending the 2011 Budget for Miscellaneous Expenditures
- * 2. Ordinance Amending the 2011 Budget for Funding of the Public Works Utility Maintenance Facility
- 3. Ordinance to Establish the Amount of Taxes To Be Levied upon Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2012

Clerk/Treasurer Novobielski addressed N-3. He said that this Ordinance is to notify the Yakima County Assessor that the City would like them to place \$1,370,000, including an increase of \$27,968 over the current year's assessment, on the Property Taxes. He indicated that this amounts to a tax assessment of \$2.53 per thousand and listed the percentages allocated to the various City Funds

Councilman Jorgensen asked if this is a one percent increase.

Clerk/Treasurer Novobielski responded that it is a one percent increase in the amount of \$13,420 as well as an increase of \$14,500 on new construction.

Councilman Jorgensen moved, and Councilman Overby seconded, to approve the Ordinance to Establish the Amount of Taxes To Be Levied upon Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2012. Roll was called: Council Member Gawlik – yes; Council Member Schmid – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member Jorgensen – yes; Council Member Larson – yes; Council Member Tierney - no. Motion carried with 6 voting aye and 1 voting no.

O. Communications

- 1. Oral

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

P. Reports/Announcements

- 1. Mayor

Mayor Jones said that this is a far cry from when he took office fifteen years ago, when the City had a 22 inch snowfall and none of the City vehicles were available to plow the roads. He went on to say that Gary Fife rode his grader from Walla Walla to push snow for two or three days straight. He commented that it runs as smooth as silk now.

Councilman Larson asked if that was the year we had three feet of snow.

Mayor Jones replied in the affirmative.

2. Council Members

Councilman Tierney wished everyone a safe and happy Thanksgiving. He asked Public Works Director Henne to pass along a thank you to his crew for their efforts in clearing the streets.

Councilman Larson had no report.

Councilman Jorgensen had no report.

Councilman Smeback had no report.

Councilman Overby had no report.

Councilman Schmid had no report.

Councilman Gawlik wished everyone a happy Thanksgiving and extended his thanks to Public Works Director Henne and his crew for clearing the streets of snow over the weekend.

3. Boards

4. Departmental

Community Planner Davison said that the publications are out and the signs are posted; the Planning Commissioners' Hearing on the Urban Growth Amendments will be held on December 6, and they will be presented to the Council on December 27. He went on to say that there was an evidentiary hearing two weeks ago regarding a dog kennel located in the same area as the Brewer case, noting that testimony was presented both supporting and in opposition to the date when it began. He stated that, based on the testimony given, the Hearing Examiner determined that the use was established prior to the City annexation. He said that the Hearing Examiner ruled that it was a legal non-conforming use, established prior to annexation by the City, and that it may continue as is for an indefinite period of time. He noted that the legal notice in paper stated that the Hearing Examiner's ruling that can be appealed to Superior Court and that the time period to file an appeal expires next Tuesday.

Clerk/Treasurer Novobielski reminded everyone about the Budget Summary meeting for the preliminary 2012 Budget will be next Monday

Public Works Director Henne said that he has been in the habit of not using deicer until there is a 70% precipitation prediction, but noted that he might have to move that down to 40% in the future. He commented that the maintenance facility construction project is moving along according to schedule and he will present additional information on Rushmore Road at the next Council meeting.

Mayor Jones commented that he has seen the City trucks out checking and sanding the roads while out walking at 5am.

Public Works Director Henne said that he was notified by the Transportation Improvement Board last Friday that the City will be awarded \$200,000 for street improvement. He noted that the amount is less than what had been asked for, but that it will allow us to do from First to Fourth in front of the Fire

Station and from First to Second on Naches Avenue. He said that the road from First to Sixteenth on Fremont will be slated for next time.

Councilman Smeback asked if those are grind and overlays.

Public Works Director Henne responded in the affirmative.

Fire Chief Davis said that the Fire Commissioners met earlier this month to pass their budget and approve the funding to go to the joint budget for our joint operation. He noted that they will be delivering Santa Claus from the North Pole on December 3rd and wished everyone a Happy Thanksgiving.

Master Patrol Officer Smith had no report.

Parks, Recreation and Tourism Director Hagler followed up on the Whispers of Christmas event, noting that it is a great community event with a lot of local sponsors that help put it on.

Councilman Jorgensen inquired as to the time and location.

Parks, Recreation and Tourism Director Hagler responded that the event will be at the Civic Center. He said that the parade is at 5:30pm, the main event starts at 6:00pm and it is free to all attendees.

Public Works Director Henne commented that you can go for breakfast.

Parks, Recreation and Tourism Director Hagler reported that the Lodging Tax Advisory Committee had joint meeting earlier today with the Union Gap TPA, noting that they had a good discussion on how to work together on some projects.

City Supervisor Sweet had no report.

The Council Meeting went into recess for 10 minutes.

Q. Executive Session

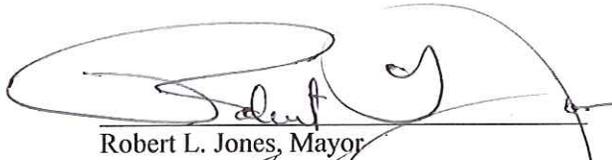
An Executive Session to discuss Personnel was held for 30 minutes. After 30 minutes, the Council went into Public Session and announced that they would go back into Executive Session for an additional 15 minutes to discuss Personnel. Executive Session was held for 15 minutes to discuss Personnel. After 15 minutes, the Council went back to Public Session.

Mayor Jones stated that the Executive Session discussion dealt with personnel contracts, and noted that they will be brought before the Council for approval at the December 13th Council Meeting.

R. Adjournment

Council Member Larson moved, and Council Member Schmid seconded, that the meeting be adjourned. Motion carried with 6 voting aye and 1 voting no.

The meeting adjourned at 5:46pm.



Robert L. Jones, Mayor



Keith Larson, Council Member



Paul Overby, Council Member



John Tierney, Council Member



Kevin Jorgensen, Council Member



Dave Smeback, Council Member



John Gawlik, Council Member



Allen Schmid, Council Member

ATTEST:



Dale E. Novobietzki, Clerk/Treasurer