

Study Session Minutes
Selah City Council
February 24, 2015

5:00pm – Wayne Petterson, Rusted Fish Studio, Inc.
5:10pm – Jack McEntire, Cascade Carvings
5:20pm – Norm Hillstrom, Eagle Signs
5:30pm – Selah Downtown Association

Mayor Gawlik opened the Study Session.

Wayne Petterson approached the podium and addressed the Council. He discussed his concept for a welcome sign, indicating that the original has been changed several times and still needs a place for the apple logo. He briefly explained his plans for the finished concept, noting that payment on the DOT site would be approximately three hundred fifty dollars annually, to be paid by the City.

Interim City Administrator Henne remarked that the minimum annual fee is based on the square footage and retail value of the property to be leased, and that it would also entail a five to ten thousand dollar permit fee, responsibility for all construction and a possible relocation of the pond at the bottom of the slope.

Jack McEntire approached the podium and addressed the Council. He talked about his original proposal of using the two basalt eagles from Public Works as part of the welcome sign, and mentioned that he has also been talking with Mr. Petterson about the possibility of a sign that incorporates both the eagles and the steel sculpture. He noted that basalt is both durable and native to the area, and that the eagles not only represent our national symbol but also nest in the canyon.

Norm Hillstrom approached the podium and addressed the Council. He said that they took a different approach to the project; they were asked to do a sign that goes over the roadway, one you'd see both coming and going. He commented that their approach is colorful, made out of fabricated aluminum, and engineered to meet DOT specs, and that banners and flags could be added to it as well.

Interim City Administrator Henne commented that the proposed location isn't compatible with the proposed new lane for Southern Avenue; it would need to be placed to the north of Southern Avenue if they opted to go that route.

Kari Gravrock approached the podium and addressed the Council. She gave a brief speech about their 501c3 status, the possibility of using a design firm to assist them in finding Selah's identity and how to utilize that to draw businesses and tourists to town.

Discussion followed on the proposals, the need for signs at both entrances to Selah, and the size of the proposed signs.

The Study Session ended at 5:56pm.

City of Selah
Council Minutes
February 24, 2015

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: Dave Smeback; Allen Schmid; Brooke Finch; Roy Sample; Jane Williams

Members Excused: Paul Overby; John Tierney

Staff Present: Joe Henne, Interim City Administrator; Gary Hanna, Fire Chief; Rick Hayes, Police Chief; Dale Novobielski, Clerk/Treasurer; Tom Durant, Community Planner; Andrew Potter, Assistant to the City Administrator; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Council Member Smeback led the Pledge of Allegiance. Pastor Mark Griesse led the prayer.

D. Agenda Changes **None**

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

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

G. Communications

1. Oral

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

2. Written

a. Update on Financial Status of Volunteer Park

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Williams requested that item M – 3 be added to the Consent Agenda.

Mayor Gawlik responded that Interim City Administrator Henne had requested that the item not be placed on the Consent Agenda.

Executive Assistant Lake read the Consent Agenda.

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

- * 1. Approval of Minutes: February 10, 2015 Study Session and Council Meeting
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 78319 – 78343 for a total of \$149,782.65
 - Claim Checks Nos. 65317 – 65337 for a total of \$ 273.86
 - Claim Checks Nos. 65338 – 65398 for a total of \$122,125.67
- * 3. Resolution M – 1: Resolution to Approve the Wernex Loop – Local Agency Agreement Supplement Number 1 – Transportation Alternatives Program (TAP) Sidewalk Improvements
- * 4. Resolution M – 2: Resolution Authorizing the Mayor to approve Task Order 2015-1 between the City of Selah and Huibregtse, Louman & Associates, Inc. for Land Surveying Services for the survey of the Selah Civic Center Parking Lot project
- * 5. Resolution M – 5: Resolution of the City Council of the City of Selah, Washington, Adopting Public Defense Standards and Requesting the Mayor to Provide Updates to the City Council Regarding any Future Changes in the Adopted Standards in Conjunction with the Annual Budget Report
- * 6. Ordinance N – 1: Ordinance Amending the 2015 Budget for the 3rd Street Water Main Replacement Project
- * 7. Ordinance N – 2: Ordinance adopting a new City Of Selah 2014 Water System Plan and Repealing the 2008 Comprehensive Water Plan

Council Member Smeback moved, and Council Members Williams and 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 **None**

L. Old Business **None**

M. Resolutions

- * 1. Resolution to Approve the Wernex Loop – Local Agency Agreement Supplement Number 1 – Transportation Alternatives Program (TAP) Sidewalk Improvements
- * 2. Resolution Authorizing the Mayor to approve Task Order 2015-1 between the City of Selah and Huibregtse, Louman & Associates, Inc. for Land Surveying Services for the survey of the Selah Civic Center Parking Lot project
- 3. Resolution Authorizing the Mayor to approve Task Order 2015-2 between the City of Selah and Huibregtse, Louman & Associates, Inc. for a boundary and topographic survey for Wixson Park

Interim City Administrator Henne addressed M – 3. He said that they’ve had several meetings with those who have a vested interest in the pool, such as the Selah Dolphins and the Selah School District, the Selah Park and Recreation Service Area Board, and the Parks Foundation, and the consensus is that the new pool will be located at Wixson Park. He noted that the additional parking by the Civic Center will be close to the pool as well, and that he doesn’t feel this would be a waste of money.

Mayor Gawlik remarked that the conversations with the groups have been good, and that the City has a good relationship with them.

Council Member Schmid moved, and Council Member Sample seconded, to Approve the Resolution Authorizing the Mayor to approve Task Order 2015-2 between the City of Selah and Huibregtse, Louman & Associates, Inc. for a boundary and topographic survey for Wixson Park. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote approval was unanimous.

- 4. Resolution Approving the Preliminary Plat of “Somerset II” (912.42.14-05) and Adopting Findings and Conditions of Preliminary Plat Approval

Planner Durant addressed M – 2. He said that he will present both the Resolution and Ordinance, as they are related, and that if Council approves the one then they should approve the other. He briefly outlined the Hearing Examiner’s findings and the conditions he recommended that the Planned Development (PD) be subject to of approved, adding that staff recommends approval of the PD and adoption of the Hearing Examiner’s conclusions but not his recommendation.

Council Member Schmid expressed his confusion over the Hearing Examiner’s recommendation and the staff recommendation, saying that it seems like conflicting information regarding the subdivision rezone and Growth Management Act (GMA) and how they deal with planned developments. He stated that an R-1 lot must be a minimum of eight thousand square feet, but a planned development can be whatever lot size that Council and the developer agree on and still be considered an R-1.

Planner Durant responded that any Comprehensive Plan rezone has to conform with the Plan.

Council Member Schmid commented that, if a development can have five lots per acre, how can we allow Council to determine lot size via Ordinance that doesn't have to follow code requirements.

Planner Durant replied that they can configure the lot size however they wish, as long as it's consistent with the amount allowed per the size of the entire property.

Council Member Schmid wondered if the size of the property allows for twenty-four lots.

Planner Durant responded in the affirmative.

Council Member Schmid inquired as to how many square feet that would be per lot.

Planner Durant replied that it would make each lot approximately seven thousand square feet.

City Attorney Noe remarked that Planner Durant is correct, as the density permitted by the Comprehensive Plan dictates what can be done with a planned development, not necessarily lot size. He noted that the Zoning code does have a minimum lot size but if the development is in compliance with a planned development they can have a smaller lot size than that listed in the Zoning code.

Mayor Gawlik requested City Attorney Noe's opinion on whether both the Resolution and Ordinance must be approved or denied.

City Attorney Noe responded that they are linked; the zoning change to a planned development wouldn't be done with approval of the planned development.

Mayor Gawlik asked if they should be consolidated and voted on together.

City Attorney Noe replied that it is up to the Council; they could opt to do vote on the items as one.

Council Member Schmid wondered if the Ordinance should be done prior to approval of the Resolution.

City Attorney Noe responded that in theory, yes it would be done that way, adding that the agenda is set up with Resolutions heard prior to Ordinances.

Council Member Smeback observed that there is a lot of detail in planning, and that the City needs to grow within the Comprehensive Plan in a way that makes sense. He expressed his concern over the Council, who are novices when compared to the Hearing Examiner, possibly go around his recommendation when dealing with complex items. He added that he is in favor of what the Hearing Examiner stated in his Findings.

Council Member Williams stated that she feels the same; this is a very complex situation dealing with many issues that the Hearing Examiner had to sort through, and she trusts his decision on the matter. She asked where the missing conclusion on exhibit number five was.

Planner Durant replied that it appears it just wasn't finished but the attorney.

City Attorney Noe remarked that the item was submitted to the Hearing Examiner that way.

Council Member Williams noted that there was no signature or other information to indicate who the attorney was.

Planner Durant said that he suspects it came from when Council remanded the matter to the Hearing Examiner.

Council Member Williams wondered if the public saw the information labeled as exhibit seven, which appears to be information from the municipal code website, and where it came from. .

Planner Durant responded that he believes that information was compiled by City staff.

Council Member Schmid commented that a lot of these exhibits were presented to the Hearing Examiner by Mr. Worby, during the public hearing.

Council Member Williams asked if everything in the packet was presented to the public and the Hearing Examiner.

Planner Durant replied that he believes it was all given to the Hearing Examiner.

Council Member Williams felt that Council should follow the Hearing Examiner's recommendation.

Planner Durant noted that the Comprehensive Plan provides for a maximum of five dwellings per acre, as stated under the land use element of the Plan.

Council Member Finch had no questions, but echoed her fellow Council Members' thoughts regarding the determination brought by the Hearing Examiner, saying that she can't remember a time when Council has opted to go against his recommendation.

Mayor Gawlik inquired if he should get a consensus from Council on whether they wish to vote on the two items jointly or separately, and if he should open the floor for any rebuttal or argument from those in attendance.

City Attorney Noe responded that the first matter is Council's pleasure, and that if they opt to approve the application then the rezone needs to be approved first. He added that it is up to the discretion of the Council as to whether they wish to hear additional arguments on the matter, as they are tasked with either following the Hearing Examiner's recommendation or going against it if they feel it is clearly erroneous.

Council Member Schmid wondered what the Hearing Examiner's meant by a recommendation of denial with prejudice.

City Attorney Noe answered that it was without prejudice, which means that the applicant can come back with a better application to be presented to the Hearing Examiner.

Council Member Williams asked if that meant it would go back to the Hearing Examiner to look at or to Council.

City Attorney Noe replied that it would go back to the Hearing Examiner, as it would essentially be a new application.

Mayor Gawlik requested that each Council Member state their opinion on voting jointly or separately, and whether they would like to hear any arguments or rebuttal from the audience.

Council Member Finch requested that they vote on them separately and also that the public have opportunity to speak.

Council Member Smeback agreed.

Council Member Williams inquired if she could make a motion to accept the Hearing Examiner's decision.

Mayor Gawlik responded that he didn't think it was appropriate at that time, and asked for her opinion on whether to vote separately or jointly.

Council Member Williams stated that she would like to vote on them jointly.

Council Member Schmid said that he agreed with Council Member Finch.

Council Member Williams wondered if any new information would be presented.

Mayor Gawlik replied in the negative, saying procedure is that it can only be rebuttal at this stage.

Council Member Williams stated that she is in favor of hearing the public speak on the matter.

Mayor Gawlik asked Planner Durant to stand aside, adding that, based upon Council's approval, they will accept arguments and rebuttal.

City Attorney Noe remarked that Council could only hear from those folks who testified in front of the Hearing Examiner.

Council Member Schmid requested confirmation that only those testified can speak.

City Attorney Noe responded in the affirmative, adding that an attorney can also speak on a person's behalf.

Council Member Schmid commented that there are a lot of people in the audience but they have no list of who testified at the hearing.

City Attorney Noe replied that they are listed in the minutes, on pages eighteen to twenty.

Mayor Gawlik stated that Council has consented to receive rebuttal from those who gave testimony in front of the Hearing Examiner. He asked if Mr. Weller if he wished to speak.

Mark Weller approached the podium and addressed the Council. He said that the average lot size in the subdivision is seven thousand square feet, which is below average lot size.

Mayor Gawlik asked Ms. Fontaine if she wished to speak.

Ms. Fontaine declined.

Mayor Gawlik asked Mr. and Mrs. Hoffert if they wished to speak.

Mr. and Mrs. Hoffert declined.

Mayor Gawlik asked Mr. and Mrs. Richards if they wished to speak.

Brian Richards approached the podium and addressed the Council. He said that the Hearing Examiner denied the application.

Mayor Gawlik corrected him, saying that the Hearing Examiner recommended denial of the application.

Mr. Richards stated that he is in favor of Council going along with the Hearing Examiner's recommendation, saying that if one walked through the neighborhood one would see that it doesn't fit the surrounding area. He read section 10.24.70 of the Selah Municipal Code aloud, noting that it states that project density shall not exceed land use. He felt that the proposal didn't fit the Comprehensive Plan for the area, and that justification for a rezone doesn't exist. He said that he doesn't believe the applicant has made a good case for the requested change in zoning.

Josh Busey approached the podium and addressed the Council. He said that he is Mr. Sample's attorney, and would like to speak on his behalf, although he was not present at the original hearing.

City Attorney Noe remarked that he can make an argument but not offer new evidence.

Mr. Busey commented that he was asked to come because Council Member Sample stepped out of the room. He reiterated that the Zuker-Sample development is in favor of the proposal, and has no problem with the conditions listed by the hearing Examiner. He felt that Mr. Durant did a good job answering questions, and that he is in favor of the motion and conditions.

Mayor Gawlik asked Mr. Wayne Worby if he wished to speak.

Wayne Worby approached the podium and addressed the Council. He observed that this process has been an education, although he was still not sure what they were doing right then, as the Hearing

Examiner recommended denial of the development project. He wondered why Council was trying to separate the matter.

Mayor Gawlik informed him that Council wishes to handle each item separately.

Mr. Worby inquired as to how they got separated.

City Attorney Noe responded that, if Council wants to go forward with the Hearing Examiner's recommendation of denial, there would be no need for the rezone.

Council Member Finch commented that she prefers not to lump two items that are separate together.

Mr. Worby asked what they would like to hear from him.

Council Member Finch said that they would hear whatever he wanted to provide.

Mayor Gawlik noted that only arguments for rebuttal are allowed at this stage.

Council Member Williams wondered if he remembered what the missing conclusion was.

Mr. Worby remarked that the attorney was Mike Shin.

City Attorney Noe cautioned him against offering information that wasn't provided or of record.

Mr. Worby said that the Hearing Examiner made his recommendation based on the in total development plan, which originally had a development of seventeen lots that matched phase 1 of the loop. He went on to say that, when Mr. Sample got on the Council he applied for a rezone to Planned Development, which requires certain things to be eligible, such as a change in zoning circumstances and conducting a public meeting. He stated that the proposed development would be cluster housing per the code, and that it would also require a second road that would further reduce the size of some of the lots.

City Attorney Noe reminded him that he could only present what had been previously brought before the Hearing Examiner.

Mr. Worby observed that putting in a private road would affect twelve lots within the subdivision, and that five residences per acre exceeds the R-1 density. He noted that most of the lots on Herlou Drive and Weems Way are .20 to .66 of an acre, and that the application submitted was incomplete, with undefined architecture and landscaping standards. He suggested that the City encourage new residential construction projects to be compatible with existing residential developments. He finished by saying that there are too many conflicts within the code that need to be addressed, as there is an issue with inconsistencies.

Mayor Gawlik asked Brad Worby if he wished to speak.

Mr. Worby declined.

Mayor Gawlik asked Mr. Ness if he wished to speak.

Mr. Ness declined.

Mayor Gawlik stated that this completes the list of those who testified.

Council Member Schmid felt that Mr. Worby made mention of one thing they as a City need to take a look at, namely the current minimum of eight thousand square feet for a lot. He noted that it was seven thousand square feet prior to the Growth Management Act, that they should re-address the lot size for the community. He felt that a lot of people aren't wanting a big space to maintain, noting that Yakima has dropped their minimum to six thousand square feet because of this trend.

Council Member Williams moved, and Council Member Smeback seconded, to adopt the Hearing Examiner's Recommendation of Denial without Prejudice regarding the application by Zuker-Sample LLC for the Preliminary Plat of "Somerset II". Roll was called: Council Member Smeback – yes; Council Member Schmid –abstain; Council Member Finch – yes; Council Member Sample – recused; Council Member Williams – yes. Motion passed with three yes votes, one recusal, and one abstention.

- * 5. Resolution of the City Council of the City of Selah, Washington, Adopting Public Defense Standards and Requesting the Mayor to Provide Updates to the City Council Regarding any Future Changes in the Adopted Standards in Conjunction with the Annual Budget Report

N. Ordinances

- * 1. Ordinance Amending the 2015 Budget for the 3rd Street Water Main Replacement Project
- * 2. Ordinance adopting a new City Of Selah 2014 Water System Plan and Repealing the 2008 Comprehensive Water Plan
- 3. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.42.14-05 Rezone to Planned Development (PD)

Council Member Smeback moved, and Council Member Williams seconded, to deny the Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.42.14-05 Rezone to Planned Development (PD). Roll was called: Council Member Smeback – yes; Council Member Schmid – abstain; Council Member Finch – yes; Council Member Sample – recused; Council Member Williams – yes. Motion passed with three yes votes, one recusal, and one abstention.

O. Reports/Announcements

- 1. Mayor

Mayor Gawlik said that they have conducted the first round of interviews and selected three finalists for a second interview. He stated that the three candidates, Jon Hanken, Donald Wayman, and Joe Henne, will be brought in for a second interview on March 6th, and that the person selected will be presented to Council for questioning and confirmation. He noted that the person selected will need to complete a background investigation. He thanked those who gave presentation during the Study Session and also those who gave testimony.

Council Member Williams asked if the March 6th interviews were open to the public.

Mayor Gawlik responded in the negative, noting that the panel has allowed up to two Council Members to be present but not participate in questioning; Council will have their opportunity to ask questions during a Study Session at a later meeting.

2. Council Members

Council Member Finch stated that she disagrees with Council Member Schmid regarding lot sizes, but agrees that it is imperative that they move forward to address the municipal planning code. She suggested holding a study session or retreat in April to start this process.

Council Member Sample passed out the new Selah Downtown Association flyers that explain the B&O tax donation for businesses.

Council Member Smeback had no report.

Council Member Williams expressed her thanks to the audience for attending the meeting and letting their voices be heard.

Council Member Schmid had no report.

3. Departmental

Clerk/Treasurer Novobielski said that the January financial statements have been posted on the City's website, noting that the first two months of the year have been the best opening months in eighteen years from a revenue standpoint.

Fire Chief Hanna said that his new hire has passed everything and will start on March 16th. He stated that L&I has finished their compliance audit of an incident at a local fruit warehouse last October, and that they did receive two citations as well as adding non-slip surfaces where they exit the trucks. He noted that the citations were from them taking the word of the warehouse employees regarding the incident, which they are addressing with training, and also having a firefighter walk inside without appropriate clothing for potentially hazardous materials, which they have taken steps to remedy.

Police Chief Hayes said that the annual Polar Plunge was held on Saturday, and that the Selah Police department and the Yakima Training Center took first place for the most donation received. He noted that they have slowed down their schedule for hiring a new employee due to the interviews for a new City Administrator.

Council Member Schmid remarked that he noticed a medical cost of over thirty-five hundred dollars for a jailed individual.

Police Chief Hayes responded that they have discovered that they can get a free ambulance ride to the hospital, adding that the jail will call beforehand in the future to see if something can be worked out.

Bruce Williams, Yakima Training Center, approached the podium and addressed the Council. He said that Fire Chief Hanna was out at the Training Center last week for some training, and that they hope to have Police Chief Hayes come out next time.

Interim City Administrator Henne expressed his apologies to Council for the things not running smoothly in regards to the planning department item, adding that in the future they will make sure that the copies are clear and have page numbers added to them for reference. He thanked them for passing the Resolution that allows them to proceed the Wernex Loop project. He noted that the comprehensive water plan will be filed with the Department of Health.

City Attorney Noe had no report.

4. Boards **None**

P. Executive Session **None**

Q. Adjournment

Council Member Smeback moved, and Council Members Finch and Williams seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 8:02pm.


John Gawlik, Mayor

EXCUSED

Paul Overby, Council Member



Dave Smeback, Council Member

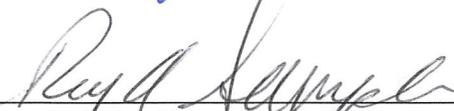
Brooke Finch, Mayor Pro Tem

EXCUSED

John Tierney, Council Member



Allen Schmid, Council Member



Roy Sample, Council Member



Jane Williams, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer