

City of Selah  
Council Minutes  
January 11, 2011

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

A. Call to Order Mayor Pro Tem Tierney called the meeting to order at 4:01pm.

B. Roll Call

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

Members Excused: Mayor Jones

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

C. Pledge of Allegiance

Councilman Gawlik led the Pledge of Allegiance. Pastor Doug Perkins led the opening prayer.

D. Agenda Changes **None**

E. Public Appearances **None**

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

G. Communications

1. Oral

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

2. Written

a. Well Number 8 – Participation in PacifiCorp’s Energy Efficiency Program

Public Works Director Henne spoke briefly about the rebate check received from PacifiCorp, noting that this is the second rebate that the City of Selah has received for Energy Efficiency.

H. Proclamations/Announcements      **None**

I. Consent Agenda

Mayor Pro Tem Tierney read the Consent Agenda.

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

- \* 1. Approval of Minutes: Council Meeting & Study Session December 28, 2010
- \* 2. Approval of Claims & Payroll:
  - Payroll Checks Nos. 70124 – 70210 for a total of \$189,101.98
  - Claim Checks Nos. 57464 – 57506 for a total of \$133,630.80
  - Claim Checks Nos. 57507 – 57546 for a total of \$ 70,512.33
- \* 3. Resolution M – 2 Resolution Authorizing the Mayor Pro Tem to Sign the Contract between the City of Selah and Teamsters Local No. 760 for the Selah Public Works and Parks Departments Effective January 1, 2011
- \* 4. Resolution M – 3 Resolution Authorizing the Mayor Pro Tem to Sign an Agreement for Right of Entry with Washington State Department of Transportation at Playland Park
- \* 5. Resolution M – 5 Resolution Authorizing the Mayor Pro Tem to Sign the Contract between the City of Selah and Teamsters Local No. 760 for the Selah Police Department Effective January 1, 2011
- \* 6. Ordinance N – 2 Ordinance Amending Selah Municipal Code (SMC), Title 8, Chapter 8.70.020 Parking Prohibited on Certain Streets
- \* 7. Ordinance N – 11 Ordinance Amending the 2011 Budget for Civic Center Kitchen Improvements

Councilman Schmid requested that Ordinance N – 2 be removed from the Consent Agenda.

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

J. Public Hearings

- 1. Selah Urban Growth Area Comprehensive Plan Amendment 2010-8 and Official Zoning Map Amendment 914.79.10-10 (Van Alstine)

Community Planner Davison addressed J-1. He apologized for a lack of aerial photography regarding the subject properties, and then moved on to the letter submitted by Mr. Van Alstine requesting a continuance of the hearing to the February 8<sup>th</sup> Council meeting.

Mayor Pro Tem Tierney polled the audience to see if anyone wished to address the amendment. Seeing no one rise to speak, he then stated a willingness to entertain a motion regarding the matter.

**Councilman Schmid moved and Councilman Gawlik seconded to table the Public Hearing and associated items to the February 8, 2011 Council meeting. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

2. Selah Urban Growth Area Comprehensive Plan Amendment 2010-4 and Official Zoning Map Amendment 914.67.10-06 (City of Selah)

Community Planner Davison addressed J-2. He spoke briefly on the proposed rezone, the Public Hearing held, the Planning Commission's conclusion and recommendation, and the staff recommendation.

Mayor Pro Tem Tierney opened the Public Hearing.

Julianne Moore, residing at 304 North Wenas Avenue, stepped up to the podium. She requested that the Council postpone the hearing until Mayor Jones can attend, due to his ownership of several parcels in the proposed rezone area. She expressed her dissatisfaction of notification and procurement of requested documentation. She indicated her unfamiliarity with the process, and asked if she should state her reasons at this time or wait to see if it will be postponed.

The Mayor Pro Tem stated she should present her reasons at this time.

Ms. Moore presented her case, listing the various properties and their owners, then went on to talk about how a rezone would affect a purchase or refinance of the 4 owner-occupied homes within the proposed area. She reiterated her opinion that inadequate notice of the rescheduled meeting was given to the affected homeowners, in particular a Hispanic couple living next door to her.

Councilman Gawlik inquired if it was appropriate to make a motion at this time regarding the proposed rezone.

City Supervisor Sweet answered in the negative, but stated that it would be appropriate for Community Planner Davison to respond to Ms. Moore.

Councilman Gawlik then asked what procedures could be taken after Community Planner Davison's response to Ms. Moore.

City Supervisor Sweet responded that the two choices once all testimony has been taken are either to continue the hearing to a specific date or to close the hearing and move on to other business.

Community Planner Davison stated that rezone notices were mailed out to all property owners, and that the last minute notice of reschedule due to a lack of quorum was posted on the doors.

Mayor Pro Tem Tierney confirmed that there were notices sent out for the original meeting, but not for the rescheduled one.

Community Planner Davison agreed.

Councilman Gawlik asked if the notice hung on the door was sufficient notice to interested parties.

City Attorney Noe addressed the question, stating that the posted notice was adequate in light of the last-minute notice of a lack of quorum.

Mayor Pro Tem Tierney asked if anyone else would like to speak in regards to the proposed rezone.

Shawn Colligan, residing at 304½ North Wenas Avenue, stepped up to the podium. He stated that his primary concern deals with the property taxes, how they are assessed, and the selling or refinancing of their homes if they are rezoned. He indicated his desire for a statement in writing from the City as to how this will affect his property. He expressed concern over what would happen if disaster struck and he had to rebuild, and the negative impact he felt this would have on his investment.

Councilman Schmid asked if his property was owner-occupied.

Mr. Colligan said that it is; he and the bank own the property.

Councilman Gawlik asked if he attended the Planning Commission's Hearing and expressed his concerns at that time.

Mr. Colligan indicated that he did attend the meeting, and was told that they were unable to give him anything in writing but were still recommending that the City Council pursue the proposed rezone. He went on to talk about the research he had done, and his opinion that the Planning Commission did not do adequate research before proceeding with this.

The Mayor Pro Tem thanked him, and then polled the audience to see if anyone else would like to speak. Seeing no one come forward, he then posed a question regarding the majority of opinions made in opposition to the rezone.

Community Planner Davison responded, stating that 2 people spoke against the proposed rezone and one spoke in favor of it.

Councilman Gawlik indicated his desire to table the matter.

Councilman Jorgensen asked if they should close the Public Hearing and address this when considering the Ordinance.

City Supervisor Sweet asked if he wanted to close the Public Hearing and continue his action, or leave the Public Hearing open for further testimony.

Councilman Gawlik responded that he felt the appropriate step would be to close the hearing.

Mayor Pro Tem Tierney asked if he wanted to continue it to the next meeting.

Councilman Overby said that if it was closed now, the next meeting would be a closed record meeting. He asked what could be gained by hearing further testimony, and asking the Mayor to explain his interest as a private landowner and as Mayor.

Councilman Gawlik felt that the people had a right to an answer.

City Supervisor Sweet said he didn't think it was right to force anyone to give a reason for requesting something to be done to their own property.

Ms. Moore said she felt that there seems to be a conflict in regards to the proposed rezone as he is the Mayor and a property owner.

City Supervisor Sweet stated that he did not do this as the Mayor of Selah, but instead as a property owner.

Ms. Moore said it was the seal of the City of Selah on the paper.

City Supervisor Sweet responded that the City is processing the request.

Councilman Jorgensen asked if should make a personal comment now or when the hearing is closed

City Supervisor Sweet responded that if the comments are relevant to the matter at hand, to make them now; otherwise, wait until the hearing is closed and the Council is considering the matter.

Councilman Overby stated that he felt the Planning Commissioners had heard sufficient testimony in the matter.

**Councilman Overby moved and Councilman Jorgensen seconded to close the Public Hearing. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

3. Selah Urban Growth Area Comprehensive Plan Amendment 2010-5 and Official Zoning Map Amendment 914.79.10-07 (Graf Investments)

Community Planner Davison addressed J-3. He spoke briefly on the proposed rezone, the Public Hearing held, the Planning Commission's conclusion and recommendation, and the staff recommendation.

Councilman Jorgensen asked how many days the signs were posted for notification of a Land Use project.

Community Planner Davison responded that the Ordinance requires 20 days, and the signs were posted for 21 days on all the sites on the same day.

Councilman Gawlik enquired about the 3 parcels to the East that would have 13 feet rezoned.

Community Planner Davison responded that those 3 parcels are currently zoned commercial, and that Mr. Graf concurred with the Planning Commission for the rezone of those feet.

Mayor Pro Tem Tierney asked if Mr. Graf was the owner of those 3 lots.

Community Planner Davison said that he is indeed the owner of those parcels.

Councilman Overby asked if Mr. Graf would be doing a lot line adjustment.

Community Planner Davison said Mr. Graf would be doing one if the Comprehensive Plan Amendment went through.

Mayor Pro Tem Tierney opened the Public Hearing.

Dick Graf, of Graf Investments, stepped up to the podium. He briefly explained his proposal, stating his reasons for requesting a rezone of the subject properties. He listed the specifics of the units to be built, and the intent to develop an attractive property.

Seeing no one else rise to speak, Mayor Pro Tem Tierney closed the Public Hearing.

4. Selah Urban Growth Area Comprehensive Plan Amendment 2010-6 and Official Zoning Map Amendment 914.79.10-08 (City of Selah-Dosch)

Community Planner Davison addressed J-4. He spoke briefly on the proposed rezone, the Public Hearing held, the Planning Commission's conclusion and recommendation, and the staff recommendation.

Councilman Overby asked if there was no specific use for the proposed rezone.

Community Planner Davison said that there was not at this time. The rest of the properties are currently zoned Commercial and the owner didn't want split zoning among the parcels.

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

5. Selah Urban Growth Area Comprehensive Plan Amendment 2010-7 and Official Zoning Map Amendment 914.79.10-09 (City of Selah)

Community Planner Davison addressed J-5. He spoke briefly on the proposed rezone, the Public Hearing held, the Planning Commission's conclusion and recommendation, and the staff recommendation.

Councilman Jorgensen asked if all the affected property owners approve of the proposed rezone.

Community Planner Davison responded that he had one owner call to ask questions, but had no response from the other owners. He stated that the signs were posted on the subject properties per Selah Municipal Code.

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

## K. New Business

1. Selection of a 2011 Mayor Pro Tem

City Attorney Noe addressed K-1. He informed the Council that it was time to select a new Mayor Pro Tem, and invited nominations from the Council Members.

Councilman Jorgensen nominated Councilman Overby for Mayor Pro Tem. Councilman Tierney seconded.

Councilman Gawlik nominated Councilman Smeback for Mayor Pro Tem. Councilman Schmid seconded.

The Mayor Pro Tem asked Councilman Overby for comments.

Councilman Overby had no comment.

Mayor Pro Tem Tierney asked Councilman Smeback for comments.

Councilman Smeback had no comment.

The Mayor Pro Tem requested paper ballots from Executive Assistant Lake, which were then passed out to the Council Members. Council Members were requested to write their name and choice for Mayor Pro Tem on paper ballots and pass them to Councilman Larson for counting.

City Attorney Noe commented that the ballots would become part of the public record, to disclose who voted for which nominated candidate.

Councilman Larson stated that Councilman Overby was selected by a majority vote as the new Mayor Pro Tem.

**Councilman Schmid moved and Councilman Jorgensen seconded to appoint Councilman Overby as the Mayor Pro Tem for 2011, Commencing on January 12, 2011 until the first Council meeting of January 2012. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

L. Old Business None

Community Planner Davison recommended that the Council consider Ordinance N-1 before Resolution M-1.

N. Ordinance **\*relocated\***

1. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.79.10-02 Rezone to Planned Development (PD)

Community Planner Davison addressed N-1. He briefly outlined the purpose of the Ordinance, the proponent's reasons for the request, and the Hearing Examiner's recommendation.

Mayor Pro Tem Tierney asked the Council if they had any questions for Community Planner Davison.

Community Planner Davison indicated that Mr. Torkelson was in attendance as well, and could answer questions.

Mayor Pro Tem Tierney asked Mr. Torkelson if he had any comments.

Mr. Torkelson stated that he was in favor of the proposed change and he would answer questions posed.

**Councilman Jorgensen moved and Councilman Larson seconded to approve the Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.79.10-02 Rezone to Planned Development (PD). Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes;**

**Council Member Gawlik – abstain; Council Member Schmid - yes. Motion carried with 6 voting aye and 1 abstention.**

M. Resolutions

1. Resolution Approving the Preliminary Plat of Southern Estates (912.79.10-02) and Adopting Findings and Conditions of Preliminary Plat Approval

Community Planner Davison addressed M-1. He reiterated the information shared from N-1, and then listed the conditions and restrictions suggested by the Hearing Examiner.

Mayor Pro Tem Tierney questioned the optional rolled curbs and gutters for handicapped access, as opposed to requiring them.

Community Planner Davison said they were originally going to require rolled curbs, but changed it due to the increased traffic on Southern Avenue. He stated that the rolled curbs would have to be at the entrances, and the corner of 5<sup>th</sup> and Southern will also have handicapped access.

Mayor Pro Tem asked if the common area is available as an open play area, and what precautions are being taken to prevent the accumulation of surface water that may collect during certain times of the year.

Mr. Torkelson responded that the only times water has been standing in that location was during the construction phase.

The Mayor Pro Tem inquired as to the depth of the standing water at those times.

Mr. Torkelson said it was 1-3 inches of water, and went on to say that the area was engineered to handle the water and has not had any issues since construction.

**Councilman Larson moved and Councilman Schmid seconded to approve the Resolution Approving the Preliminary Plat of Southern Estates (912.79.10-02) and Adopting Findings and Conditions of Preliminary Plat Approval. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – abstain; Council Member Schmid - yes. Motion carried with 6 voting aye and 1 abstention.**

- \* 2. Resolution Authorizing the Mayor Pro Tem to Sign the Contract between the City of Selah and Teamsters Local No. 760 for the Selah Public Works and Parks Departments Effective January 1, 2011
- \* 3. Resolution Authorizing the Mayor Pro Tem to Sign an Agreement for Right of Entry with Washington State Department of Transportation at Playland Park
4. Resolution Denying the Selah Urban Growth Area Comprehensive Plan Amendment 2010-08 (Van Alstine)

Resolution M-4 and the Public Hearing for Selah Urban Growth Area Comprehensive Plan Amendment 2010-8 and Official Zoning Map Amendment 914.79.10-10 (Van Alstine) were moved to the February 8, 2011 Council meeting per the Proponent's request.

- \* 5. Resolution Authorizing the Mayor Pro Tem to Sign the Contract between the City of Selah and Teamsters Local No. 760 for the Selah Police Department Effective January 1, 2011

Mayor Pro Tem Tierney called for a brief recess at 5:15pm.

Mayor Pro Tem Tierney reopened the meeting at 5:22pm.

N. Ordinances

- 1. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.79.10-02 Rezone to Planned Development (PD)

This item was moved to immediately precede Resolution M-1 per the request of Community Planner Davison.

- 2. Ordinance Amending Selah Municipal Code (SMC), Title 8, Chapter 8.70.020 Parking Prohibited on Certain Streets

Councilman Schmid inquired about the prohibition of parking along either side of South Speyers Road.

Community Planner Davison commented that he thought that was done before improvements that allowed parking along the side.

Public Works Director Henne said it was done before there was a barrier curb put in.

Councilman Schmid asked if it was no parking on both sides now, all the way down.

Public Works Director Henne agreed to take a look at the area in question.

**Councilman Larson moved and Councilman Smeback seconded to approve the Ordinance Amending Selah Municipal Code (SMC), Title 8, Chapter 8.70.020 Parking Prohibited on Certain Streets. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

- 3. Ordinance Adopting Selah Urban Growth Area Comprehensive Plan Amendment 2010-4 (City of Selah)

Community Planner Davison addressed N-3. He recommended that the Council decide whether to continue or adopt the Ordinance.

Councilman Gawlik moved and Councilman Larson seconded to table the issue.

Mayor Pro Tierney asked if he wanted it tabled to February.

City Attorney Noe reminded the Council that the Hearing was closed.

City Supervisor Sweet reiterated that the Hearing was closed, and then inquired if they intended to table the action until some pointing the future.

Councilman Jorgensen stated that during previous annexations he has participated in the lines have been drawn around property owners who are willing to be in the annexation. He then asked why this amendment is being done when there wasn't a request by property owners to do so.

Community Planner Davison responded firstly to the rezoning issue, stating that the rezoning process is different from an amendment and requires 60% or more of property owners to agree to it. He then moved on to the zone change, describing the steps taken in the process and added that only the 2 property owners who spoke at the Public Hearing were in opposition to the rezone.

Councilman Jorgensen asked why those properties couldn't be removed from the rezone.

Community Planner Davison replied that it could be brought back with those properties excluded from the rezone.

Councilman Jorgensen said that sounded like a reasonable compromise; if the lines can be redrawn excluding those who object it would work.

Community Planner Davison agreed to bring back a map showing property owners and stated that they could choose to revise the amendment based on the map.

Councilman Larson withdrew his second to the motion on the table.

City Supervisor Sweet clarified that the motion is to table this until approximately February 22<sup>nd</sup>.

Councilman Larson stated that there is a motion to table, but no second.

Councilman Smeback asked for the map to be color-coded for zones around the area.

Community Planner Davison replied in the affirmative, and went on to verbal list the zoning for the surrounding properties.

City Supervisor Sweet commented that it would be better to bring a map if the Council desires to see one.

Councilman Jorgensen stated a wish to continue the discussion when a revised map could be brought in for viewing. He then went on to say he felt the discussion should be tabled.

Councilman Gawlik asked if it was different than the request for continuance previously stated.

City Supervisor Sweet said that tabling doesn't allow for further discussion, whereas a continuance would allow a request for staff to bring in more reference materials at a future time.

City Attorney Noe agreed, provided that everyone understood that the Public Hearing portion is already closed.

City Supervisor stated it was more of a clarification of information that has been presented.

City Attorney Noe said it could be continued to a future meeting for map clarification, and that a motion to amend the zoning around certain properties could be brought up at that time.

Councilman Overby clarified that the Council heard from 2 property owners located in the subject area, and confirmed their properties.

Ms. Moore spoke up from the audience, stating that she was parcel 32008.

City Supervisor Sweet confirmed that the 2 property owners in attendance were 32007 and 32008.

Ms. Moore again spoke up from the audience, expressing concern regarding a Spanish-speaking property owner she felt did not understand what was happening in regards to the zoning amendment. She mentioned the improvements made to their property and felt their property should be excluded as well.

Mayor Pro Tem Tierney reminded Ms. Moore that the Public Hearing was closed and she could not add any additional information.

City Supervisor Sweet agreed with the Mayor Pro Tem.

Mayor Pro Tem Tierney suggested asking Community Planner Davison to provide additional information, along with a map indicating both properties to potentially be excluded, as well as the feasibility of mapping around them for the rezone.

Community Planner Davison agreed that he was able to indicate the 2 properties.

Councilman Overby asked if the zoning amendment had to be accepted as is, or if the Council could alter it as desired.

Community Planner Davison answered that the Public Hearing gave additional information that might lead the Council to alter it.

City Supervisor Sweet said that the Council could alter it when the requested information was presented at a later date, but they could not take additional information in the form of a Public Hearing.

Councilman Smeback inquired as to the before and after effect of the proposed rezone, and if there would be islands of differently zoned properties.

Community Planner Davison said they would be provided with maps showing different things.

Councilman Overby expressed concern about changing the proposed zoning lines to exclude certain properties. He acknowledged the need for more commercially zoned properties in Selah, but wanted to know if the need for it was immediate or if it could happen at a later date.

City Supervisor Sweet commented that the South Wenas Extension and North Park development had likely prompted it, with the idea of a commercial area extending from Naches to the North Park business center.

Councilman Overby felt there would be a more urgent need for the proposed rezone if there was a lack of commercial properties currently available for use. He expressed a lack of understanding for the rezone at this time.

City Supervisor Sweet reminded the Council of their option to deny the proposed zone amendment.

Councilman Overby noted that others have expressed a desire for more information, and he wanted to know specifically what would be brought back that would require tabling at this time.

Councilman Jorgensen reiterated the option to deny it proposed zoning amendment, noting that it could be brought before the Council at a later date and time.

Mayor Pro Tem Tierney commented that might be a simpler process.

Councilman Jorgensen went on to say that when it came back, it could be only 5 or 6 parcels, not a big block of them as currently proposed.

Councilman Schmid inquired as to the timing, and if they chose to deny it, would it would be a year before it could come before the Council.

City Supervisor Sweet said it would be a year.

Community Planner Davison commented that it would be with the next Comprehensive Plan amendments.

City Supervisor Sweet asked if it would be October.

Community Planner Davison said that October of this year is when the Planning Commission starts considering amendments to the Comprehensive Plan based on requests coming in.

Councilman Schmid asked if any of the houses located South of Bartlett were owner-occupied.

Community Planner said he didn't know for certain.

Ms. Moore again spoke from the audience, saying that Mayor Jones owns those properties.

Community Planner Davison indicated that he wasn't certain of that, but thought they were rental properties.

Councilman Schmid asked if he knew those were all rentals.

Community Planner Davison reiterated that he wasn't certain of that, but thought they were.

Councilman Jorgensen asked about the 3 properties continuing south.

Community Planner Davison stated that those were already zoned as commercial.

City Supervisor Sweet commented that this would extend the commercially zoned area. He asked the Council to ponder a residentially zoned area in the middle of a commercial zone, on an active street.

Councilman Smeback mentioned that on Nob Hill in Yakima, there's a natural progression of rezoning, but that there are parts between 16<sup>th</sup> and 80<sup>th</sup> with differently zoned parcels side by side.

Councilman Schmid reiterated his desire to know if those 3 parcels were in fact rentals, before proceeding any further.

Community Planner Davison replied that he would research and bring the information back to the Council.

City Supervisor Sweet asked if knowing whether those were rentals would make a difference.

Councilman Schmid replied that it did for him, as he would then want to amend it to change just those 3 parcels and leave the rest as they are.

City Supervisor Sweet asked for clarification on whether it made a difference on the properties north of the 2 owner-occupied parcels as well, or just the ones to the south.

Councilman Smeback replied that it makes it a solid block.

Councilman Schmid concurred, saying he was trying to make a solid block.

City Supervisor Sweet stated that he understood that part, but not the owner-occupied versus rental.

Councilman Schmid said that if those are rentals owned by Mr. Jones that it makes a difference to him, and they could go ahead and make that particular block zoned commercial, and continue on the next time around.

Councilman Jorgensen interjected that he was just notified that those 3 parcels are owned by Bob Jones.

Mayor Pro Tem Tierney listed the three options available to the Council; to approve, reject, or approve with modifications, then expressed willingness to entertain a motion.

Councilman Overby moved to reject the Ordinance.

Councilman Jorgensen seconded the motion.

Councilman Schmid spoke in favor of amending the proposal and only rezoning those properties whose owners were in favor of the rezone.

Mayor Pro Tem Tierney reminded the Council that there was a motion and second to reject the Ordinance on the table, and that a vote need to be taken on that before moving forward.

Councilman Gawlik withdrew his motion to table the issue.

Councilman Schmid clarified that if the Council rejected the Ordinance, they could not go back and make any changes at this time.

Mayor Pro Tem Tierney agreed with that statement.

Councilman Overby agreed that 20 years from now there may be a need for more commercially zoned property. He went on to state that this proposal could be considered each year, and be a more precise, cleaner process that incorporates all the discussed items. He opined that this was not a personal request by Mayor Jones, and that it does make sense that eventually more commercial properties will be needed along that corridor.

**Councilman Overby moved and Councilman Jorgensen seconded to reject the Ordinance Adopting Selah Urban Growth Area Comprehensive Plan Amendment 2010-4 (City of Selah). Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – no; Council Member Gawlik – yes; Council Member Schmid - no. Motion carried with 5 voting aye and 2 voting nay.**

4. Ordinance Adopting Official Zoning Map Amendment 914.67.10-06 (City of Selah)

Ordinance N-4 was removed from the Agenda upon the majority vote of the Council to reject its fellow Ordinance N-3.

5. Ordinance Adopting Selah Urban Growth Area Comprehensive Plan Amendment 2010-5 (Graf Investments)

Community Planner Davison suggested that the Council approve Ordinances 5, 6, 7, 8, 9 & 10 in one motion.

Mayor Pro Tem Tierney replied that each one has to be voted on separately.

Councilman Schmid expressed concern over spot rezoning.

Community Planner Davison responded that the rezone follows the Comprehensive Plan.

Councilman Schmid replied that he understood that, but was still concerned over spot rezoning and having a high density zone in a moderate density zone area.

Community Planner Davison acknowledged Councilman Schmid's concerns.

Councilman Schmid pointed out that the other properties are Planned Developments, and that there would be more units allowed on the subject property under high density zoning than moderate density zoning.

Mayor Pro Tem Tierney commented that in transitioning from commercial to residential, he understood that it was better to go from commercial to high density, then low density to residential.

Councilman Schmid agreed with that, but expressed concern over one high density lot in the midst of moderate density.

Councilman Larson said that the proponent is proposing an 8 unit complex, and moderate density is only allowed up to 6 units.

Councilman Schmid replied that when looking towards the future he felt the Council needed to be careful when doing spot rezones, such as R-3 in a residential area.

Councilman Smeback stated that it was a common problem when there is a commercial high traffic arterial within a stone's throw of the subject property.

Councilman Schmid said that there are other ways to get this done.

Councilman Jorgensen expressed confusion over why a planned development rezone would be fine but an R-3 would not, as the result will be the same.

City Attorney Noe commented that he didn't see it as a spot zone, but rather a transitional buffer as mentioned previously by Mayor Pro Tem Tierney.

Councilman Schmid replied that he wasn't disagreeing with that.

City Attorney Noe commented that there was a commercial property there as well as the moderate density parcels, and he didn't feel it was a spot zone.

**Councilman Larson moved and Councilman Overby seconded to approve the Ordinance Adopting Selah Urban Growth Area Comprehensive Plan Amendment 2010-5 (Graf Investments). Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

6. Ordinance Adopting Official Zoning Map Amendment 914.67.10-07 (Graf Investments)

Community Planner Davison addressed N-6. He informed the Council that this Ordinance goes hand in hand with N-5.

**Councilman Overby moved and Councilman Jorgensen seconded to approve the Ordinance Adopting Official Zoning Map Amendment 914.67.10-07 (Graf Investments). Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

7. Ordinance Adopting Selah Urban Growth Area Comprehensive Plan Amendment 2010-06 (City of Selah-Dosch)

Community Planner Davison addressed N-7. He stated the property location.

Councilman Schmid inquired who requested the previous zoning change in 2005.

Community Planner Davison answered, saying that the zoning change in 2005 was done by the Planning Commissioners in accordance with the Comprehensive Plan.

Councilman Schmid asked about the affect on the canal.

Community Planner Davison said it would have no affect; the wastewater ditch is located on the railroad right of way, not Mr. Dosch's property.

Councilman Schmid referenced the provided map, confirming the zoning of the properties in that area. He went on to point out that this would reduce the amount of industrially zoned land available in Selah.

City Supervisor Sweet said that, due to the size of the parcels, there was very little chance those properties would interest an industrial business. They aren't big enough for anything of substantial nature.

Councilman Schmid said he wanted everyone to think about this, as we don't have a lot of industrially zoned property in Selah and this would reduce that amount.

Councilman Smeback pointed out that to deny this would impact the owner and his options for those properties.

City Supervisor Sweet commented that commercial properties generate sales tax for the city, and an industrial customer that would want that property as it currently is would not be beneficial to Selah.

Councilman Smeback asked about the tax rates if the properties were rezoned commercial and stayed undeveloped.

City Supervisor Sweet responded that he did not have that answer, but he felt that the tax rates were the same but the assessed value would change.

**Councilman Jorgensen moved and Councilman Larson seconded to approve the Ordinance Adopting Selah Urban Growth Area Comprehensive Plan Amendment 2010-06 (City of Selah-Dosch). Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

8. Ordinance Adopting Official Zoning Map Amendment 914.67.10-08 (City of Selah-Dosch)

Community Planner Davison addressed N-8. He informed the Council that this Ordinance goes hand in hand with N-7.

**Councilman Larson moved and Councilman Smeback seconded to approve the Ordinance Adopting Official Zoning Map Amendment 914.67.10-08 (City of Selah-Dosch). Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

9. Ordinance Adopting Selah Urban Growth Area Comprehensive Plan Amendment 2010-07 (City of Selah)

Community Planner Davison addressed N-9. He reminded the Council of the property location and that it goes hand in hand with Ordinance N-10.

Councilman Schmid asked why the parcels to the north were not included in the proposed rezone.

Community Planner Davison responded that there were new duplexes in that area.

City Supervisor Sweet said that it was a buffer for the duplexes on Jamie Drive.

Community Planner Davison said that there were 2 daycare centers on the commercial use properties, and that was where the line was drawn.

Councilman Schmid said that the corner lot should be included due to its location. He asked what response, either pro or con, was received from the property owners.

Community Planner Davison replied that one person called, asking about access issues and taxes on his property. He said that information was obtained from the Assessor's Office, passed on to the property owner, and that was the extent of any contacts regarding the proposed rezone. He said that several of the properties are rentals.

Councilman Schmid stated his hesitation of approval without response from property owners either in favor or against the proposed rezone.

City Supervisor Sweet commented that if someone is for it they might not show up, but if they were against it they would be here to comment.

Councilman Schmid expressed concern about not getting into another situation like South Selah, and that the Council needs to be aware of this when voting on rezones.

City Supervisor Sweet mentioned that citizens are more aware of rezones with the signage placement for proposed rezones.

**Councilman Jorgensen moved and Councilman Smeback seconded to approve the Ordinance Adopting Selah Urban Growth Area Comprehensive Plan Amendment 2010-07 (City of Selah). Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

10. Ordinance Adopting Official Zoning Map Amendment 914.67.10-09 (City of Selah)

**Councilman Larson moved and Councilman Overby seconded to approve the Ordinance Adopting Official Zoning Map Amendment 914.67.10-09 (City of Selah). Roll was called: Council Member Larson – yes; Council Member Overby – yes; Councilman Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

\* 11. Ordinance Amending the 2011 Budget for Civic Center Kitchen Improvements

O. Communications **None**

1. Oral

P. Reports/Announcements

1. Mayor Pro Tem

Mayor Pro Tem Tierney thanked the Council and staff for the opportunity to serve as Mayor Pro Tem for 2010, and wished Councilman Overby the best of luck in his term.

2. Council Members

Councilman Larson had no report.

Councilman Jorgensen had no report.

Councilman Smeback spoke briefly about the new issue of CityVision and its articles on public records and data storage. He expressed a desire to have the Council discuss it in the near future.

City Supervisor Sweet agreed, saying that there will be some investigating done, and warned the Council to be aware of e-mails sent and received on home computers.

Councilman Smeback said that he was struck by the potential effect of a concerned citizen requesting a fair amount of information, as evidenced by some of the Yakima Valley cities.

City Supervisor Sweet pointed out the costs to the City of Selah due to the requests from Wiley Miles regarding public records, as well as the various requests from South Selah. He mentioned that it was pretty easy to end up costing a significant amount of money to the City.

Councilman Smeback remarked that it could be up to 1.5 FTEs for the staff.

City Supervisor Sweet said there would be a Study Session set, and people brought in to inform the Council about this and list the options.

Mayor Pro Tem Tierney asked if this would require a change in the State Law.

City Supervisor Sweet responded that it is in effect now, but any changes would have to go before the legislature.

Councilman Gawlik had no report.

Councilman Schmid had no report.

Councilman Overby thanked the Council for electing him as Mayor Pro Tem for 2011.

3. Boards

4. Departmental

Public Works Director Joe Henne briefly talked about a water leak that was reported and fixed.

Councilman Gawlik asked about the possibility of a mid-block crosswalk for the library.

City Supervisor Sweet stated that it was actually sidewalks that were requested.

Public Works Director Henne replied that he and the City Supervisor were looking at prices, and it looks to be around \$80,000 to put sidewalks in.

City Supervisor Sweet said that this will end up before the Public Works Committee for review on whether to proceed with a sidewalk project.

Public Works Director Henne informed the Council that they now have the land to build a new maintenance facility, and they are proceeding with the project.

Mayor Pro Tem Tierney thanked Public Works Director Henne for participating in the Energy Conservation program.

Public Works Director Henne said that it was minimal effort for monies reimbursed to the City.

Deputy Fire Chief Gary Hanna informed the Council that Fire Chief Davis will be out for a couple of weeks due to his injuries, and that he would be stepping in while the Chief was out.

Mayor Pro Tem Tierney requested information on the expenses relating to the crash at the fire station.

Deputy Fire Chief Hanna responded that they have received a couple bids, and that it was going before Commissioners later that evening. He went on to say that it should be fixed fairly quickly.

Mayor Pro Tem Tierney asked about the bids coming in.

Deputy Fire Chief Hanna said one of the bids was around \$15,000.

City Supervisor Sweet commented that they were looking at fixing a few other items at the same time, and the total expenses were in the area of \$15,000.

Clerk/Treasurer Dale Novobielski said that he would be closing the books for 2010, and preparing the financial statements the next week. He also spoke on getting the 2011 budget to the printers so as to provide the Council with copies for reference.

Parks, Recreation and Tourism Director Hagler reported that the Discover Selah website would be going live later in the week.

City Supervisor Sweet asked what would happen if you went there now.

Parks, Recreation and Tourism Director Hagler replied that it would redirect you to the City of Selah website until it goes live.

Councilman Jorgensen commented that he had seen it, and it was a great website.

Police Chief Stacy Dwarshuis had no report.

City Attorney Bob Noe had no report.

Community Planner Dennis Davison said that there won't be so many Comp Plan amendments done together next time, and that Mr. Torkelson should be done with Southern Avenue for now. He said there were a couple of small subdivision possibilities, and that the Cherry Blossom Ridge property might be

going through foreclosure. He then informed the Council that he would be out for a couple weeks due to surgery but should be back around the first of February.

City Supervisor Frank Sweet passed along greetings from Mayor Jones.

Q. Executive Session

No Executive Session was held.

R. Adjournment

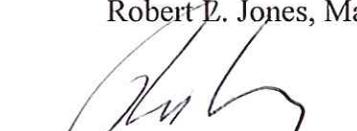
**Council Member Gawlik moved, and Council Member Schmid seconded that the meeting be adjourned. By voice vote, the motion passed unanimously.**

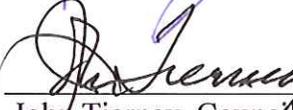
The meeting adjourned at pm.

**EXCUSED**

Robert L. Jones, Mayor

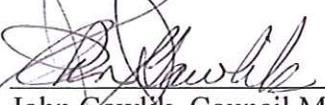
  
Keith Larson, Council Member

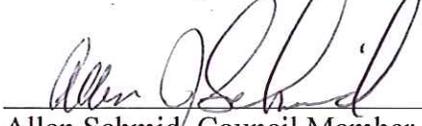
  
Paul Overby, Council Member

  
John Tierney, Council Member

  
Kevin Jorgensen, Council Member

  
Dave Smeback, Council Member

  
John Gawlik, Council Member

  
Allen Schmid, Council Member

ATTEST:

  
Dale E. Novobielski, Clerk/Treasurer