

City of Selah  
Council Minutes  
January 28, 2014

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: Paul Overby; John Tierney; Dave Smeback; Allen Schmid; Roy Sample; Jane Williams

Members Excused: Brooke Finch

Staff Present: David Kelly, City Administrator; Bob Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Charlie Brown, Recreation Manager; Monica Lake, Executive Assistant

C. Pledge of Allegiance

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

D. Agenda Changes **None**

E. Public Appearances/Introductions/ Presentations

1. Selah Adventures – Independence Day Parade and Celebration

Lisa Graham, Selah Adventures, approached the podium and addressed the Council. She said that they hope to have an Independence Day festival this year, which would start with a Boy Scouts pancake breakfast, followed by a parade, then activities at Wixson Park and a dinner. She stated that their goal is to keep the community in Selah, bring visitors to Selah, and support the local groups such as the Boy Scouts.

Mayor Gawlik asked if they would also put on a July 3<sup>rd</sup> fireworks display.

Ms. Graham responded that the Selah Parks & Recreation Department would put on the July 3<sup>rd</sup> fireworks; however, her organization is working with the Pastime to see if they can host on a street dance, featuring local entertainment, afterwards.

Mayor Gawlik remarked that he appreciates the thought and endeavor to offer an alternative to the fairgrounds event for Selah residents.

Ms. Graham commented that it would also bring people in to Selah.

Council Member Tierney wondered what size the parade would be.

Ms. Graham replied that they have six floats at this point, adding that there are no other 4<sup>th</sup> of July or Independence Day parades in Washington State. She said that they want to keep a Norman Rockwell or Mayberry-esque feel to the event, with an emphasis on community and hometown hospitality. She ended by saying that their next meeting will be Thursday at 7pm at Nana Kate's, and that they welcome any input regarding the event.

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

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Steve Shotwell approached the podium and addressed the Council. He said that the remodel is very nice, and that his understanding is that the material ordering and consultation were done free of charge. He expressed concern over a perception at the last meeting that there is a quid pro quo due to that, and would like to see the City put its best foot forward in the future, even if that means going outside the City for contractors. He commented that saw several people at the courthouse yesterday for Mr. Sweet's hearing, and wanted to encourage the City to ask for restitution for every cent that Mr. Sweet has taken from City, including items such as extra utility costs and the IRS fine.

Council Member Schmid felt that his remarks were out of line, saying that he doesn't think anyone on the Council felt that they had to support Mr. Torkelson's proposal and vote in his favor because of his volunteer work on the remodel project.

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

2. Written

a. Boundary Review Board – Review of Proposed Actions regarding the West Goodlander Annexation

Council Member Overby said that he read through the material Community Planner Davison provided, but had a difficult time understanding which sections the Boundary Review Board (Board) used for their decision.

Community Planner Davison responded that Glenn Rice, one of the Board members, provided the information citing RCW 36.93.150 (2). He noted that he was unaware that the law had changed so that the Board no longer had the ability to increase the size of annexations.

Council Member Overby observed that he didn't get that impression.

Community Planner Davison commented that he didn't either.

Council Member Overby remarked that there are limits if a town's population is greater than seventy-five hundred, but it didn't appear as if the annexation would put Selah outside of that percentage. He went on to say that they couldn't increase the annexation by one hundred percent but wondered what constitutes one hundred percent. He had a difficult time understanding and putting together the materials provided.

Community Planner Davison said that, while the City's annexation is already a done deal, his understanding is that the Board can opt to enlarge the boundary if the town or city population isn't over seventy-five hundred; Selah is not.

Council Member Sample wondered what use the Board is, as their primary interest is annexations.

Community Planner Davison responded that they deal with other boundary issues as well, such as the City of Yakima expansion into West Valley and the jurisdictional boundaries conflict between fire departments.

Council Member Sample remarked that, if someone wanted to annex, they wouldn't have to worry about the Board changing the annexation.

Community Planner Davison agreed.

Council Member Tierney noted that the Board can enlarge an annexation by up to one hundred percent.

Community Planner Davison responded in the affirmative, adding that if they City requests to annex fifty acres the Board could increase that up to an additional fifty acres.

Council Member Overby commented that he doesn't understand their logic.

Community Planner Davison opined that the Board was ill-advised when the statute was originally passed and now believe that they can't modify any boundaries. He noted that they haven't modified any since 2012.

Council Member Overby thought maybe they were under the impression that Selah had over seventy-five hundred residents.

Community Planner Davison replied in the negative.

Council Member Tierney asked if the City is able to go back and have a review of this or if they are simply beating a dead horse.

City Attorney Noe felt that a review of the pertinent RCWs might shed some light on the matter.

Council Member Smeback remarked that what the West Valley expansion, which was against the will of the people, was a bad deal all the way around. He felt that the City's peninsula annexation, which excluded those who were against coming into City limits, was more than proper.

Council Member Schmid said that, if the Board is no longer looking at the possibility of increasing annexations to prevent islands, the change should have been publicized. He went on to say that the Board came out of growth management with a primary directive to straighten city boundaries and to eliminate boundary issues in counties that had boundaries jogging in and out, as the State was concerned about islands and peninsulas being created via annexation. He felt that Council needs better clarification from the Board on the issues; maybe they didn't understand where the City was coming from.

Council Member Williams asked if they come back and said the decision was done improperly.

Community Planner Davison responded that the Board approved the annexation and taking those portions of West Goodlander Road, adding that he is prepared to record the documents later this week.

Council Member Overby expressed concern regarding future annexations, saying that if folks didn't want to be included there is no value in forcing them in.

Council Member Tierney stated that it left a bad taste in his mouth when residents of Herlou Drive and Herlou Place Came to the Council meeting and said that they already get police service from Selah, as they aren't contributing money to provide the services that the City gives to its citizens. He felt that the Board might have had a different attitude about the annexation area if they had known that.

City Administrator Kelly said that staff will go back and visit with the Boundary Review Board, and that City Attorney Noe will look at the statutes; more details and clarification will be presented at the next Council Meeting.

H. Proclamations/Announcements **None**

I. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

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

- \* 1. Approval of Minutes: January 14, 2014 Council Meeting
- \* 2. Approval of Claims & Payroll:
  - Claim Checks Nos. 63273 – 63282 for a total of \$39,445.36
  - Claim Checks Nos. 63283 – 63337 for a total of \$97,324.50
- \* 3. Resolution M – 1 Resolution Establishing February 11, 2014 as the Date to Conduct a Public Hearing to Consider an Amendment to the Six Year Transportation Improvement Program for the Years 2014 to 2019

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

J. Public Hearings

- 1. Parks & Recreation Comprehensive Plan 2014 – 2019

Community Planner Davison deferred to Recreation Manager Brown.

Recreation Manager Brown addressed J – 1. He said that the Parks & Recreation Comprehensive Plan (Plan) is a six year plan for the years 2014-2019, which includes a mission statement as well as goals and priorities for the next six years. He stated that, without a Plan, the City can't seek funding for grants to complete projects. He commented that the Plan was put together by himself, Public Works Utility Supervisor Jones, and Parks Board

Chairman John Baranowski; it includes an inventory of the existing parks, improvements to be made to them, and input from the community.

Mayor Gawlik opened the Public Hearing.

Miles Blakney, Selah Dolphins Foundation, approached the podium and addressed the Council. He said that he is here in support of the pool. He added that the pool dimensions on page 18 should be 40 yards by 20 yards, not 40 feet by 15 feet.

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

K. New Business **None**

L. Old Business **None**

M. Resolutions

- \* 1. Resolution Establishing February 11, 2014 as the Date to Conduct a Public Hearing to Consider an Amendment to the Six Year Transportation Improvement Program for the Years 2014 to 2019

N. Ordinances

- 1. Ordinance Adopting the City of Selah Comprehensive Parks and Recreation Plan 2014-2019

Community Planner Davison addressed N – 1. He said that, after the conclusion of a public hearing, the Planning Commission adopted the attached findings of fact recommending that Council adopt the Comprehensive Parks & Recreation Plan (Plan) for the betterment of the community. He recommended an adoption of the Ordinance and findings of fact.

Council Member Williams requested that the motion to approve add the correction to the pool size.

Mayor Gawlik responded that it was a typo and will be corrected.

**Council Member Smeback moved, and Council Member Overby seconded, to approve the Ordinance Adopting the City of Selah Comprehensive Parks and Recreation Plan 2014-2019. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

- 2. Ordinance Amending the 2014 Budget for 2013 Surplus 15% Water, Sewer and Garbage Utility Tax

Clerk/Treasurer Novobielski addressed N – 2. He said that, as described in background section of the AIS, when he closed the 2013 books he was able to identify that the fifteen percent water, sewer and garbage tax resulted in revenues of six hundred twenty-two thousand, eight hundred eighty-six dollars, of which four hundred sixty-five thousand, six hundred fifty-five dollars was expended in debt service repayments for the Marudo properties. He briefly outlined what will happen with the remainder, noting that fifty thousand will be earmarked for early repayment on the bonds and the rest will go into the Reserves to rebuild what was depleted.

Mayor Gawlik mentioned that a citizen had inquired about the dispersal of the utility tax funds at the previous Council Meeting.

Clerk/Treasurer Novobielski responded that the citizen's request had prompted this Ordinance, even though the prepayment cannot be made until June.

**Council Member Tierney moved, and Council Member Overby seconded, to approve the Ordinance Amending the 2014 Budget for 2013 Surplus 15% Water, Sewer and Garbage Utility Tax. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

O. Communications

1. Oral

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

P. Reports/Announcements

1. Mayor

Mayor Gawlik thanked the Selah Dolphins members and the Selah School Board member for coming to show their support for the Parks & Recreation Comprehensive Plan. He said that, at the Council Retreat last year, one of the items discussed was a 'cheat sheet' to be available to all Council Members with reminders of formalities, meeting criteria, and other items. He commented that they will be bringing this before Council in the near future to get input and hopefully approval, as he felt the two new Council Members would find it informative and helpful to them as they transition into their new positions.

2. Council Members

Council Member Overby had a question regarding the issue with Yakima Transit and HopeSource, and whether the City would be able to recoup any of the funds expended.

City Administrator Kelly responded that that is a good question. He said that he will meet with them on Thursday to discuss a proposal to resolve the issue; Yakima Transit is proposing to alter the existing Selah route so will go out to exit and meet up with the Ellensburg bus.

Council Member Sample had no report.

Council Member Tierney remarked that it would be nice to have a 'tickle file' recap sheet for Council Members that would enable them to follow up on items in a timely manner. He said that he had an opportunity to look at the damaged patrol car yesterday, and hoped that the Police Department would be able to keep the bullet-damaged hood.

City Administrator Kelly stated that the salvage value for the vehicle is fourteen hundred dollars. He liked the idea of buying a different hood for one hundred dollars to swap out with the holey one.

Council Member Tierney replied that he would recommend that the City do that; it is a reminder that no stop is simply routine.

Council Member Smeback had no report.

Council Member Schmid opined that, with the Seahawks in the Super Bowl, Sunday will be an exciting time in the Pacific Northwest.

Council Member Williams thanked the citizens who showed up for the sentencing hearing at the courthouse, saying that they were able to witness the judicial system and how it works. She expressed her appreciation for the new administration and what they are trying to accomplish.

### 3. Departmental

Public Works Director Henne said that the building permit activity is doing well; they have received the plan from Matson Fruit for their shipping facility and will issue a permit on the project soon. He went on to say that they have issued a permit to Tree Top for their new facility and have ordered the new shelter for Wixson Park. He commented that the rest of the department is busy doing maintenance work on park equipment and that field conditioner and other supplies will need to be ordered in the near future.

Mayor Gawlik enquired about surplus winter supplies.

Public Works Director Henne responded that he has plenty of deicer on hand. He commented that the tanks are full, and they will spray on the parking area, the easement along railroad tracks, and the unofficial alleyway along Wixson Park in the spring. He expressed his appreciation to Council for approving the Resolution setting a hearing for the TIP amendment, adding that he will also bring other documents to Council regarding the sidewalk.

Clerk/Treasurer Novobielski said that he has closed the books for 2013, and will be providing financials to the department heads and the finance committee by the end of the week. He noted that the 2014 budget will be headed to the printer soon.

Community Planner Davison commented that he is working on two new subdivisions and two rezones, along with the proposed right of way vacation on Goodlander Road. He went on to say that the Selah School District has to reduce classroom sizes, and will be coming to the City with a proposal for two additional portables at John Campbell Elementary as well as two modular units for dressing rooms at the Junior High, for use by the PE students and others, until a new gymnasium is completed.

Recreation Manager Brown said that his department has taken over Civic Center operations as of December 1<sup>st</sup>, and already have fifty-eight events scheduled for 2014. He noted that this is an increase over last year's event total of fifty-three, and that they have already started scheduling for 2015. He commented that they would like to start marketing the facility more aggressively as an event venue for weddings and other events, and hope to begin remodel work in the near future to increase its appeal as an event venue.

Mayor Gawlik remarked that he has been working with Recreation Manager Brown over the last month to address safety and health issues for the building, and that they are working on a list of modifications to the interior of the facility, primarily to the great room and the lobby. He noted that, once plans have been solidified, they will be coming to Council for project funding approval.

Police Chief Hayes said that the patrol car involved in the recent incident has been totaled, as the insurance has opted not to pay to have it fixed, and the department will use the insurance money to replace the vehicle. He stated that Officer Singletary is doing well at the academy, and is currently in the top to middle portion of his

class. He noted that the newest officer will start the academy on February 11 He went on to say that Officer Singletary will graduate the academy on March 20<sup>th</sup>, then have sixteen weeks of FTO before being cut loose. He commented that the active shooter training at the High School last Friday went well, although they scared a few janitors. He remarked that they are one officer down due to a sprained shoulder, and finished by noting that the Citizens' Academy this week will feature an active shooter demonstration and presentation.

Council Member Tierney wondered if they could take the hood from the totaled patrol car.

Police Chief Hayes responded that they won't let them simply take the hood, as they don't want a vehicle in impound lot without a hood. He added that there is no such thing as a general search warrant; they all have the potential of turning into a dangerous situation.

Mayor Gawlik was glad that the holes were in the vehicle, not the officer.

Police Chief Hayes observed that one can see what would have happened if the officers had been in the car when it was fired upon.

City Administrator Kelly said that they are looking into additional microphones for the Council table and hope to present some options at the next Council Meeting.

City Attorney Noe said that there will be a restitution hearing on Mr. Sweet's case in the near future, as State law requires one be held within 180 days. He stated that he is working with the Prosecutor's Office to see what can be recovered via restitution.

4. Boards

- a. Parks Board Minutes – December 17, 2013
- b. Planning Commission Minutes – December 12, 2013

Council took a ten minute recess.

Q. Executive Session

- 1. 15 Minute Session – Potential Litigation RCW 42.30.110(1)(i)

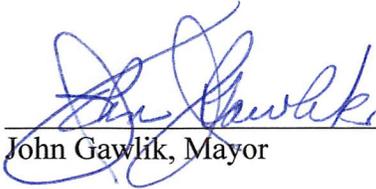
Council went back into Executive Session at 7:41pm. At 7:56pm, Council went back on the record. Mayor Gawlik stated that they would be extending the Executive Session for an additional 10 minutes.

Council went into Executive Session at 7:58pm. At 8:08pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

R. Adjournment

**Council Member Overby moved, and Council Member Williams seconded, that the meeting be adjourned. Motion passed with 5 yes votes and 1 no vote.**

The meeting adjourned at 8:09pm.

  
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John Gawlik, Mayor

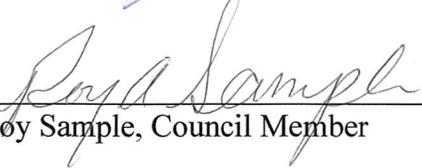
  
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Paul Overby, Council Member

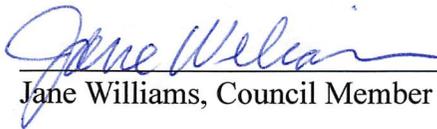
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John Tierney, Council Member

  
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Dave Smeback, Council Member

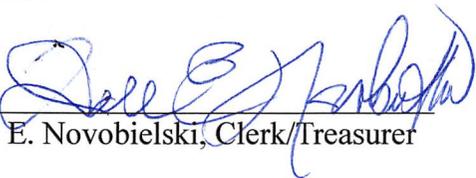
  
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Allen Schmid, Council Member

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EXCUSED  
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Brooke Finch, Council Member

  
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Roy Sample, Council Member

  
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Jane Williams, Council Member

ATTEST:

  
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Dale E. Novobielski, Clerk/Treasurer