

City of Selah
Council Minutes
July 22, 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; Brooke Finch; Roy Sample; Jane Williams

Members Excused:

Staff Present: David Kelly, City Administrator; Bob Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Gary Hanna, Fire Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Mayor Gawlik led the Pledge of Allegiance. Pastor Jason Williams led the opening 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. Dumpster fee comparison between Yakima Waste, the City of Yakima, and Basin Disposal/City of Selah

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Schmid moved, and Council Member Tierney seconded, to strike the second paragraph from the bottom on page 3 of the July 8, 2014 Minutes. By voice vote, approval was unanimous.

Executive Assistant Lake read the Consent Agenda.

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

- * 1. Approval of Minutes: July 8, 2014 Study Session & Council Meeting
- * 2. Approval of Claims & Payroll:

Payroll Checks Nos. 77636 – 77734 for a total of \$203,042.22
Claim Checks Nos. 64214 – 64278 for a total of \$189,732.32

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

J. Public Hearing None

Council Member Tierney moved, and Council Member Williams seconded, to hear Resolution M-1 out of order. By voice vote, approval was unanimous.

Council Member Overby asked which lot the Resolution dealt with; specifically, if it was the Bowers parcel.

Council Member Tierney responded in the negative, saying that the Resolution pertained to the Goodlander Road improvement project, and that the parcel is owned by the City's Parks Department.

M. Resolutions

- 1. Resolution to accept the offer for the Right Of Way (ROW) Acquisition for a portion of City Property, Parcel Number: 181436-21004 for the East Goodlander Road Improvement Project

Public Works Director Henne addressed M – 1. He said that the City is currently acquiring rights of way along East Goodlander Road, and that Federal requirements are that, if the property is owned by a different department of the same entity, you are still required to do a right of way acquisition for the land. He reminded Council that the City has contracted with Yakima County for right of way administration, and they came up with an offer based on fair market value. He noted that the Council also has the option to donate in lieu of selling.

Council Member Tierney felt that it made more sense to simply donate the land, rather than transferring money from one department to another and having to pay taxes on the transfer.

City Administrator Kelly remarked that it would be a transfer of funds from one pocket to another.

Council Member Williams wondered if donating the land would interfere with acquisition of Federal dollars for the project.

Public Works Director Henne responded in the negative.

Council Member Schmid moved, and Council Member Tierney seconded, to deny the Resolution to accept the offer for the Right Of Way (ROW) Acquisition for a portion of City Property, Parcel Number: 181436-21004 for the East Goodlander Road Improvement Project. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; 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.

City Administrator Kelly commented that the Resolution will need to be rewritten.

Mayor Gawlik agreed.

Public Works Director Henne said that he will rewrite the Resolution and present it at the next meeting.

Mayor Gawlik asked if Council can act on the matter now, or if they need to have the rewritten Resolution first.

City Attorney Noe responded that they will need to have it rewritten before acting on it.

K. New Business

1. Bowers Subdivision Variance

Mayor Gawlik read aloud a brief statement, noting that it is a closed record review and no new testimony or evidence will be accepted.

Community Planner Davison addressed K – 1. He noted that one photo submitted as evidence was inadvertently left out of the packet but had been given to Council Members upon their arrival that evening, and that Council was also given the verbatim transcript to review after the previous Council Meeting.

Council Member Tierney asked Mr. Torkelson if he would like him to recuse himself, saying that he had done so when Council reviewed similar developments in the past.

Mr. Torkelson had no objection to Council Member Tierney remaining.

Mayor Gawlik wondered if it involved the South Selah Association at all.

Mr. Torkelson responded that, to his knowledge, it did not.

Community Planner Davison reviewed the proposed conditions and findings from the Planning Commission, noting that the Short Plat will go before City Administrator Kelly for his consideration and that Council is only to consider the variance. He read the recommendations verbatim from the report provided as an exhibit in the Council packet.

Council Member Williams wondered if the Planning Commission separated the variance approval and recommendation or combined it with the Short Plat.

Community Planner Davison responded that it was done as a separate motion, and that they talked about their recommendation to Council for approval of the variance before adopting the findings and conclusions.

Council Member Smeback asked for confirmation that Council is to vote strictly on variance.

Mayor Gawlik responded in the affirmative.

Council Member Smeback moved to approve the Bowers Subdivision Variance.

Council Member Sample noted that the packet contains information on more than just the variance. He wondered if the property was still zoned as R-2, moderate density at 12 units per acre.

Community Planner Davison replied that the Comprehensive Plan has the property designated as moderate density.

Council Member Sample asked for confirmation that it was 12 units per acre.

Community Planner Davison responded that the property was previously zoned by the County as R-2 and that, as the R-2 designation is consistent with the City's designation in their Comprehensive Plan, it was kept as R-2 when it was annexed.

Council Member Sample asked for confirmation that it was R-2 when annexed.

Community Planner Davison replied in the affirmative.

Council Member Sample inquired about the minimum lot size for R-2 designated properties.

City Administrator Kelly said that the minimum size is 9,000 square feet per lot.

Council Member Sample wondered how, at 12 units per acre, it would be possible to do the proposed development without going through a Planned Development, adding that one can't get that many units in an R-2 zone with an R-2 lot.

Community Planner Davison responded that he is correct, they would have to develop the land in a different way. He noted that, while the Comprehensive Plan allows up to 12 units per acre, one may not get 12 once you include the setbacks and street parking .

Council Member Sample said that his point is that the R-2 zoning comes out with a number less than 12 units per acre without a rezone, and that there is a conflict between the Comprehensive Plan and the subdivision.

Community Planner Davison disagreed.

Mayor Gawlik asked if this line of questions fits in with Council's responsibility regarding the request for a variance.

Council Member Sample replied in the affirmative, because they were presented with all the findings and facts. He commented that he didn't think the Fire Department would allow more than 8 units on the easement.

Community Planner Davison remarked that there is an item in the packet, which was also submitted to the Planning Commission, that speaks to that issue.

Council Member Sample responded that he didn't see it.

City Administrator Kelly commented that he had the same question as Council Member Sample about how twelve units could be on one acre if each one is required to have 9000 square feet, as there is not enough in an

acre to allow for that. He noted that he discussed the matter prior to the meeting, and found that one could construct multiplex buildings.

Council Member Sample wondered if it was lots or units that it refers to.

Community Planner Davison remarked that the fire code information was included in the packet.

Council Member Schmid noted that the information is right after the maps, under chapter 5 of fire service features, about approximately halfway through the document.

Council Member Sample commented that he saw the document but didn't see anything regarding units or lots allowed on an easement.

Council Member Smeback read aloud the section pertaining to size.

Community Planner Davison said that. If the matter is critical in the minds of the Council, he can do additional research and bring it to the next meeting.

Council Member Overby wondered if making the easement into a 50 foot minimum for the road would allow the remaining lots meet the minimum standard. He felt that the road could be developed and still have each lot meet the minimum requirements.

Community Planner Davison responded in the affirmative, saying that it would still meet the minimum requirements.

Public Works Director Henne commented that Fire Chief Hanna had indicated that the variance as proposed meets the code, and that he had no problem with the present as configuration.

Council Member Tierney remarked that Exhibit D, regarding the access road, gives the minimum specs for the access road as twenty-six feet to the shoulder, with no more than a 10% grade, and a turnaround required every 20 feet. He felt that the proposal conforms to what City code says.

Council Member Schmid said that his understanding is that they are dealing with a variance on street sides.

Mayor Gawlik replied in the affirmative.

Council Member Schmid commented that the request is a 26 foot wide utility easement, with a twenty foot wide hard surface on the easement.

Community Planner Davison noted that the Fire Code requires a certain width.

Council Member Schmid stated that Council has been through this situation many times, and has gotten into trouble more than once with narrow roads that get extended out. He felt that a twenty foot wide easement was not beneficial to the people living there, and that a twenty foot wide hard surface without a sidewalk is a public safety issue. He said that it's no secret that he has not been in favor of narrow streets in larger developments like this, adding that the lot in South Selah lot was would only accommodate two duplexes. He remarked that Council needs to look at the street size and how it will affect the City down the road.

Council Member Overby commented that the lot in question is two hundred seventy-two feet on the short end, which is significantly wider than most of the lots that have been granted a variance in the past.

City Administrator Kelly stated that it is a twenty-six foot easement with a twenty foot hard surface area.

Council Member Smeback added that it widens to twenty-six feet where there are hydrants, and that it is coming to Council as a dead end private drive. He remarked that any future extensions would deal with City code.

Council Member Schmid felt that Council should pay attention because there is one place where there was a cul-de-sac originally, and then they punched a street through.

Council Member Smeback responded that it was designed to do that.

Council Member Schmid said that, while he understands where the developer is coming from, he thinks that it gets to a point where there has to be a bit of a tradeoff, which hopefully results in a win-win situation.

Council Member Smeback suggested that they think back to the development of the Selah Intermediate School area; when Chuck Johnson developed the plats, he only developed his side of the street, and future developments on the other side provided additional footage.

Council Member Tierney noted that they could end up with two private abutting streets and wondered if it would be better as a City street.

Public Works Director Henne remarked that it would need to be a dedicated right of way, and that it would likely need to be reconstructed if it became a public road in the future.

Council Member Williams requested that Community Planner Davison read aloud the exact wording of the variance request that Council is considering, so as to have it on record.

Community Planner Davison read aloud from page 8 of the staff report.

Council Member Williams said that she would like to comment on the matter once those in attendance had an opportunity to address Council on the matter.

Council Member Overby seconded the motion.

Mayor Gawlik opened the meeting for public comment, stating that there will be a time limit of three minutes per speaker.

Mark Fickes, Halverson Northwest Law Group, approached the podium and addressed the Council. He stated that he is a partner in the Halverson NW law firm and will be speaking on behalf of Helen & Mark Teske. He requested six minutes instead of three as he is speaking on behalf of both his clients.

Mayor Gawlik granted him the additional time.

Mr. Fickes said that his clients are opposed the variance, and would like Council to either deny the request or place conditions on it. He talked about the City's variance requirements and reviewed the testimony provided to the Planning Commission, and finished by saying that his clients would like to see Council impose conditions such as different styles on the duplexes and a wider road if they opt to approve the variance

Carl Torkelson, 101 Heritage Hills Drive, approached the podium and addressed the Council. He also requested six minutes to speak, as he is speaking on behalf of Mr. Bowers as well as himself.

Mayor Gawlik granted him the additional time.

Mr. Torkelson said that the requested variance for the front lot has been done previously at other locations around the City. He outlined the proposed development of the land, comparing Mr. Bowers' requested variance to the most recent one approved by Council, and noted that he has discussed fire code issues with Fire Chief Hanna.

Leslie Radebaugh, 80 Lancaster Road, approached the podium and addressed the Council. He stated that he is against the variance, although he doesn't have a problem with buildings as long as they follow current building and subdivision requirements. He read aloud the definition of a variance, saying that he felt this project did not meet those criteria. He asked that, if Council opts to approve the variance, that they consider adding in restrictions such as building height and blending harmoniously with the surrounding homes. He also expressed concern over the lack of sidewalks, green space, and curbside parking, and thanked Council for their time.

David Gordon, 90 Columbus Way, approached the podium and addressed the Council. He said that it has been interesting to see the process in action, and that it has been very educational. He commented that, in looking over the plan, he sees potential speculation and possible development in the future, and that it would be great for Council to consider how they really want the City to look over the long haul. He suggested that they consider density and aesthetics in the area, as the neighborhood looks fantastic right now. He expressed his appreciation to Council for taking the time to consider how they want the City to look from here on out.

Council Member Tierney asked for clarification from Fire Chief Hanna about requirements for service access.

Fire Chief Hanna responded that the requirements are to have the hydrant centered with twenty feet above and twenty feet below.

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

Council Member Williams said that it appears that the back half of the property has street access, and the front half has street access, so she doesn't feel that Mr. Bowers was denied the ability to develop the back portion of his property. She expressed some concern that neither side of the lane can be used for parking per City Fire Codes, and that there are no sidewalks for foot traffic. She felt that it would be safer if Council insisted on a public street, as the adjacent School District property and City property are heavily used and this would create traffic concerns. She noted that most of the surrounding neighbors are against the variance, and that as a Council Member her role is to uphold laws of the City of Selah and to look at what is best for the City as a whole, not just a single property owner.

Council Member Schmid wondered if Mr. Bowers and Mr. Torkelson would be interested in a discussion to increase the width of the street.

Mr. Torkelson replied in the negative.

Council Member Tierney asked if he was opposed to expanding the width of the street.

Mr. Torkelson responded in the affirmative, saying that expanding the street won't work for Mr. Bowers' proposal.

Council Member Smeback moved, and Council Member Overby seconded, to approve the Planning Commission's Findings of Fact and Recommendation to approve the Bowers Variance. Roll was called: Council Member Overby – no; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – no; Council Member Sample – yes; Council Member Williams – no. Motion passed with 4 yes votes and 3 no votes.

L. Old Business None

N. Ordinances None

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 talked briefly about the July letter from the Desk of the Mayor, which talks about the recent Change of Command ceremony held at the Yakima Training Center. He stated that he had the pleasure of working with the City of Yakima to put together a tour of Selah and Yakima for the new commander, and that the commander commented that Selah is a beautiful community. He noted that the new commander is interested in keeping the established friendship between the Training Center, Yakima, and Selah.

2. Council Members

Council Member Finch had no report.

Council Member Overby had no report, but expressed his appreciation for the artwork now hanging in Council Chambers, saying that he felt it makes the facility look more professional. He also commented on the replacement of a broken window along the side of City Hall.

Mayor Gawlik remarked that the photos were taken by a semi-professional photographer, who is the aunt of recently retired City employee Diana Turner.

Council Member Sample had no report.

Council Member Tierney had no report, but thought that it might be time to re-address the requirements for road widths going into subdivision style lots.

Council Member Smeback asked about the width of 3rd Avenue.

Public Works Director Henne responded that it doesn't meet current road standards; the current standard is a fifty foot right of way with a thirty-two foot street and five feet sidewalks.

Council Member Smeback observed that the paved portion of 3rd Avenue is around twenty feet.

Public Works Director Henne commented that it is maybe twenty-two feet wide.

Council Member Smeback remarked that there is plenty of room for two large pick-ups to pass one another, and that kids walk along the shoulder all the time. He felt that twenty feet is wide for a paved private drive. He thought it was nice that Mr. Bowers' rights as a citizen were looked after, and felt that the Planning Commission did a good job on the variance.

Council Member Williams commented that she noted that the Hearing Examiner is supposed to meet with the City Council a minimum of once a year to review any ideas on codes, which she doesn't remember happening in the past. She felt that, since the Hearing Examiner is a land use expert, she would like to see the Council meet with him sometime in the next three to six months.

Council Member Schmid had no report.

3. Departmental

Fire Chief Hanna said that they have been busy with calls over the last week or so, including five requests for mutual aid. He noted that they have started a new program that sends out text messages out the volunteers encouraging them to come to the station and help out and commended the volunteers who came in to assist last week. He said that fire safety inspections that have dropped off, and they are working on a schedule to get the career staff out of the office and into local businesses one day a week.

Council Member Schmid asked if the department had anyone up north;

Fire Chief Hanna responded in the negative, saying that District 5 sent people to help out.

Mayor Gawlik remarked that, as of yesterday, the Saddle Mountain fire was 80% contained.

Fire Chief Hanna said that he hadn't heard any additional information about the fire.

Community Planner Davison thanked the Council for considering the Bowers variance application, saying that he is glad to have that item dealt with. He talked briefly about the other projects on his desk, which included a Planned Development, a new lab for Tree Top, and Mr. Harris's property on South 1st Street.

Clerk/Treasurer Novobielski said that the budget is doing well at this time, and gave a brief report on the new part-time finance employee.

Public Works Director Henne had no report.

Council Member Finch remarked that she had heard that the pool was closed down for a period of time, and wondered if the pool schedule will be extended due to the closure.

Public Works Director Henne replied that this year's schedule is two weeks longer than in the past, but they won't be extending it beyond that.

Council Member Finch asked when the pool would be closing for the season.

Public Works Director Henne responded that it will be mid-August.

Council Member Finch inquired when the school year would start.

City Administrator Kelly said that he thought it was around August 25th.

Public Works Director Henne noted that the pool had been closed because the fiberglass at the east end had worn thin and was cracked in spots.

City Administrator Kelly had no report.

City Attorney Noe had no report, but stated that he will bring back a Resolution to Council to adopt the Planning Commission's recommendation and Findings of Fact.

Council took a ten minute recess.

4. Boards **None**

Q. Executive Session

1. 10 Minute Session – Real Estate RCW 42.30.110(1)(b)

Council went into Executive Session at 8:34pm. At 8:44pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

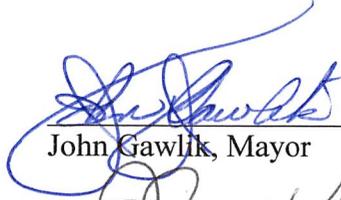
Council Member Schmid moved, and Council Member Tierney seconded, to approve the Resolution expressing the City of Selah City Council's intent to acquire real property for public use and necessity and expressing the City Council's intent to utilize the City's power of eminent domain to condemn the property if necessary. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; 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.

Council Member Schmid moved, and Council Member Tierney seconded, to approve the Property Exchange (Swap) Agreement between the City of Selah and D. Owens enterprises, LLC for Parcel Nos. 181435-44407 and 181435-44406. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; 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.

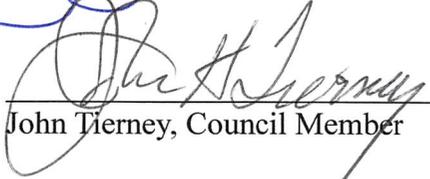
R. Adjournment

Council Member Overby moved, and Council Member Smeback seconded, that the meeting be adjourned. Motion passed with 6 yes votes and 1 no vote.

The meeting adjourned at 8:37pm.



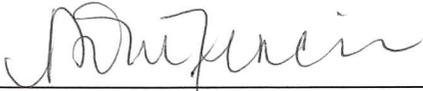
John Gawlik, Mayor



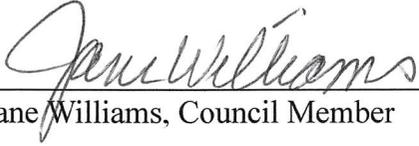
John Tierney, Council Member

Paul Overby, Council Member

Dave Smeback, Council Member



Brooke Finch, Council Member



Jane Williams, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer

Allen Schmid, Council Member



Roy Sample, Council Member