



SELAH CITY COUNCIL

6:30pm March 24, 2015

5:30 pm Study Session: City Administrator



Selah City Council
 Regular Meeting
 Tuesday, March 24, 2015
 6:30pm
 City Council Chambers

Mayor:
 Mayor Pro Tem:
 Council Members:

John Gawlik
 Brooke Finch
 Paul Overby
 John Tierney
 Dave Smeback
 Allen Schmid
 Roy Sample
 Jane Williams

CITY OF SELAH
 115 West Naches Avenue
 Selah, Washington 98942

Interim City Administrator: Joe Henne
 City Attorney: Bob Noe
 Clerk/Treasurer: Dale Novobielski

AGENDA

- A. Call to Order –Mayor Gawlik
- B. Roll Call
- C. Pledge of Allegiance
- D. Agenda Changes **None**
- E. Public Appearances/Introductions/Presentations
 - 1. Selah Royalty
- F. Getting To Know Our Businesses **None**
- G. Communications
 - 1. Oral

This is a public meeting. If you wish to address the Council concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name for the record. The Mayor reserves the right to place a time limit on each person asking to be heard.

- 2. Written

- H. Proclamations/Announcements **None**
- I. Consent Agenda

All items listed with an asterisk (*) are considered routine by the City Council and will be enacted by one motion, without discussion. Should any Council Member request that any item of the Consent Agenda be considered separately, that item will be removed from the Consent Agenda and become a part of the regular Agenda.

- Monica Lake * 1. Approval of Minutes: February 24, 2015 Study Session & Council Meeting;
March 10, 2015 Council Meeting
- Dale N. * 2. Approval of Claims & Payroll

- J. Public Hearings **None**
- K. New Business
 - Rick Hayes 1. Community Services Specialist Pay Scale Adjustment
- L. Old Business **None**
- M. Resolutions
 - Joe Henne 1. Resolution Authorizing Participation in Reimbursement Obligations with the

- Washington State Treasurer for Energy Efficiency Projects
- Mayor Gawlik 2. Resolution authorizing the Mayor to sign an Employment Agreement with Donald Wayman for the City Administrator position
- Joe Henne / Tom Durant 3. Resolution Denying the Preliminary Plat of "Somerset II" (912.42.14-05) and Adopting Findings and Conditions of Preliminary Plat Denial

N. Ordinances

- Joe Henne 1. Ordinance Amending the Duties and Powers of the City's Land Use Hearing Examiner
- Dale N. 2. Ordinance Amending the 2015 Budget for 2014 Bond Utility Tax Revenues in Excess of Debt Service

O. Reports/Announcements

1. Mayor
2. Council Members
3. Departmental
4. Boards

P. Executive Session

1. 15 Minute Session – Qualifications of an Applicant RCW 42.30.110 (1)(g)

Q. Adjournment

Next Study Session April 14, 2015
 Next Regular Meeting April 14, 2015

Each item on the Council Agenda is covered by an Agenda Item Sheet (AIS)

A yellow AIS indicates an action item.

A blue AIS indicates an information/non-action item.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/24/2015 I - 1

Title: Approval of Minutes: February 24, 2015 Study Session & Council Meeting and March 10, 2015 Council Meeting

Thru: Joe Henne, Interim City Administrator

From: Monica Lake, Executive Assistant

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

Approval of Minutes

Background / Findings & Facts:

See Minutes for details.

Recommended Motion:

Motion to approve the Consent Agenda as read. (This item is part of the Consent Agenda)

Study Session Minutes
Selah City Council
February 24, 2015

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

Mayor Gawlik opened the Study Session.

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

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

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

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

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

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

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

The Study Session ended at 5:56pm.

City of Selah
Council Minutes
February 24, 2015

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

A. Call to Order Mayor Gawlik called the meeting to order at 6:30pm.

B. Roll Call

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

Members Excused: Paul Overby; John Tierney

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

C. Pledge of Allegiance

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

D. Agenda Changes **None**

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

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

G. Communications

1. Oral

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

2. Written

a. Update on Financial Status of Volunteer Park

H. Proclamations/Announcements **None**

I. Consent Agenda

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

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

Executive Assistant Lake read the Consent Agenda.

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

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

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

J. Public Hearings **None**

K. New Business **None**

L. Old Business None

M. Resolutions

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

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

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

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

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

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

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

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

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

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

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

Planner Durant responded in the affirmative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council Member Smeback agreed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Fontaine declined.

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

Mr. and Mrs. Hoffert declined.

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

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

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

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

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

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

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

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

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

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

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

Mr. Worby inquired as to how they got separated.

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

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

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

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

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

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

Mr. Worby remarked that the attorney was Mike Shin.

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

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

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

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

Mayor Gawlik asked Brad Worby if he wished to speak.

Mr. Worby declined.

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

Mr. Ness declined.

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

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

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

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

N. Ordinances

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

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

O. Reports/Announcements

- 1. Mayor

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

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

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

2. Council Members

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

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

Council Member Smeback had no report.

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

Council Member Schmid had no report.

3. Departmental

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

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

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

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

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

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

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

City Attorney Noe had no report.

4. Boards **None**

P. Executive Session **None**

Q. Adjournment

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

The meeting adjourned at 8:02pm.

John Gawlik, Mayor

EXCUSED
Paul Overby, Council Member

EXCUSED
John Tierney, Council Member

Dave Smeback, Council Member

Allen Schmid, Council Member

Brooke Finch, Mayor Pro Tem

Roy Sample, Council Member

Jane Williams, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

City of Selah
Council Minutes
March 10, 2015

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

A. Call to Order Mayor Gawlik called the meeting to order at 6:30pm.

B. Roll Call

Members Present: Dave Smeback; John Tierney; Roy Sample; Jane Williams

Members Excused: Paul Overby; Allen Schmid; Brooke Finch

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

C. Pledge of Allegiance

Council Member Williams led the Pledge of Allegiance. Pastor Mark Flippin led the prayer.

D. Agenda Changes **None**

E. Public Appearances/Introductions/ Presentations

1. John Cooper, Yakima Valley Tourism

John Cooper approached the podium and addressed the Council. He handed out copies of the 2014 annual report, giving a brief overview of the successes for 2014, then passed out the newest visitors guide, highlighting the areas where Selah is featured. He noted that occupancies across the county grew by seven point four percent last year, which was the fastest of any county in the state, and that roughly three hundred fifty-eight million, which equates to over twenty-four million in sales tax, was spent here by visitors to the area. He stated that the distribution for visitors guides is along the I-5 corridor, towards Spokane, and in the greater metro area around Seattle.

Mayor Gawlik remarked that Selah now has a community celebration on July 3rd, and wondered if this could be added to the calendar of events around the valley.

Mr. Cooper replied in the affirmative, adding that he has been contacted by an adult marching band looking for parades to participate in.

Mayor Gawlik suggested that he talk to Recreation Manager Brown about the band.

Council Member Tierney inquired about a moving date for the visitors center.

Mr. Cooper responded that they will close it in May and relocate it to Yakima Avenue and 9th Street. He noted that the City of Yakima has gone out to bid for the project, and that they hope to open it by Memorial weekend.

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

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

David Gordon, 90 Columbus Way, approached the podium and addressed the Council. He said that he lives behind the proposed Torkelson development off Goodlander Road. He expressed his concerns with the development, such as what he felt were problems with the dates on the documents pertaining to the design, survey, permit applications, and purchase of the land in question. He deferred to Mr. Worby for further discussion on the matter.

Wayne Worby, 200 Weems Way, approached the podium and addressed the Council. He said that the permitting and development process was applied for by a developer who didn't own the property in question at that time; when the development was surveyed it was determined that Dan Bowers owned it. He went on to say that the process continued, with the developer acquiring permits for the property, and that he feels the whole thing may be sitting on fraudulent applications. He noted that the matter will be coming to the Hearing examiner on March 25th.

Planner Durant noted that the building permits were issued by Building Inspector Brons.

Interim City Administrator Henne remarked that the developer had to go through the Planning Department in regards to setbacks.

Mr. Worby commented that three permits have already been issued for one lot.

Mayor Gawlik stated that, when Mr. Worby brought the matter to his attention, he indicated that the appropriate avenue would be to bring the issue to the attention of the City Attorney.

Mr. Worby said that he hasn't heard back from City Attorney Noe on the matter.

Council Member Tierney asked Council Member Smeback if it is at all unusual for someone to make a Purchase and Sales Agreement contingent on plat approval or permitting.

Council Member Smeback replied that one can make an offer subject to a series of items, and that it's common to do something like a temporary LLC with the proponent and homeowners' names.

Interim City Administrator remarked that some permits were taken out in Mr. Bower's name.

Council Member Schmid joined the meeting.

Mr. Worby disagreed with his statement, saying that they were taken out in the name of Torkelson Construction.

Mayor Gawlik said that, as a result of what has been indicated, they will be in touch with City Attorney Noe on the matter.

Mr. Worby felt that, had he been here, this matter would have been discussed earlier.

Council Member Williams inquired if he had a copy of the application she could view.

Council Member Smeback noted that it's a matter of record.

Council Member Williams examined the document presented by Mr. Worby, saying that it does state the owner's name.

Mayor Gawlik reiterated that they will be in touch with City Attorney Noe to review the matter.

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

2. Written

- a. February 2015 Monthly Report for Building Permits, Animal Control and Code Enforcement

Council Member Tierney asked about the February 11th animal control incident on Orchard Avenue, specifically if there was any follow-up on the quarantined animal.

Mayor Gawlik commented that it was probably an initial action, and that there is follow-up activity that the animal control officer required to do. He noted that Officer Knox is attending a two week training course at the Police Academy dealing with animal control laws, activities and procedures.

Council Member Tierney said that, if a dog is quarantined after a dog bite, they need to have a timely follow-up and accountability to ensure no rabid dogs. He added that he is specifically referring to the dog left with the owner after being placed under quarantine, as he wants to make sure the owner complied with the quarantine and took care the matter of according to the law.

Interim City Administrator Henne remarked that this isn't a detailed report, and that more detail can be provided if Council wishes.

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Sample requested that item I – 1 be removed from the Consent Agenda.

Executive Assistant Lake read the Consent Agenda.

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

* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 78344 – 78370 for a total of \$205,266.89

Claim Checks Nos. 65400 – 65467 for a total of \$154,891.21

* 3. Resolution M – 3: Resolution to Approve the Wernex Loop – Supplemental Agreement Number 1, to the Local Agency Standard Consultant Agreement – for the Transportation Alternatives Program (TAP) for Engineering Construction Services for the Sidewalk Improvements on Wernex Loop

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

1. Approval of Minutes: February 24, 2015 Study Session & Council Meeting

Council Member Sample prefaced his remarks by saying that e’s withdrawn his proposal. He read from page five of the minutes saying that the information provided to the Hearing Examiner was not provided to either himself or the public. He added that he didn’t prepare the map that was used as an exhibit; the first time he saw it was when perusing his Council Packet. He read aloud from page eight of the minutes, then stated that he could have applied for a rezone at any time. He expressed his objection to what he felt was a derogatory statement about his reasons for running for an elected position. He also indicated that Council took additional testimony not offered at the Hearing Examiner’s hearing.

Mayor Gawlik asked if he believed that the information or statements contained within the minutes were inaccurate.

Council Member Sample responded that he resents what he considers to be innuendos that he got on the council only to get his project approved, and that he doesn’t wish for that to be part of the official record.

Mayor Gawlik clarified that he was asking to have it stricken from the record.

Council Member Sample replied in the affirmative, saying that he would like it expunged from the record.

Council Member Tierney moved, and Council Member Smeback seconded, to delay Approval of the February 24, 2015 Minutes until the next scheduled meeting, and to have City Attorney Noe provide an opinion on the matter. Roll was Called: Council Member Smeback – yes; Council Member Tierney – yes; Council Member Schmid – yes; Council Member Sample – abstain; Council Member Williams – yes. Motion passed with four yes votes and one abstention.

Council Member Tierney commented that, if the accepted information wasn't presented to the Hearing Examiner, then they should wait to vote on the matter until it's been presented to legal counsel. He added that, if it was already approved on the Consent Agenda, they need advice on how to pull it for action at the next meeting.

Mayor Gawlik responded that he's not sure what the legal process is once a vote has been passed unanimously.

Interim City Administrator Henne commented that he believes the person who recommended approval can request to have it readdressed at the next Council Meeting, and that he doesn't see why that same Council Member couldn't ask to have it readdressed at this meeting.

Mayor Gawlik observed the he's familiar with that procedure, as it has been utilized in the past.

Police Chief Hayes stated that City Attorney Noe is available by phone if they wish to speak with him.

Mayor Gawlik asked the Council if they'd like to take a short recess.

Council Member Sample wondered if it would help matters if he withdrew the application.

Mayor Gawlik felt that would complicate matters further.

Council Member Smeback remarked that the Hearing Examiner recommended denial without prejudice.

Council Member Sample stated that he has no intention of following through with that proposal.

Council Member Tierney commented that, to be in compliance with public records and open government, Council need to do this in a manner that is clean and above-board.

Mayor Gawlik again suggested a recess to discuss the matter with City Attorney Noe.

Executive Assistant Lake suggested bringing the phone out from the judge's chambers and utilizing the speaker function.

Interim City Administrator Henne suggested that they move to readdress the issue, then take action.

Council Member Tierney moved, and Council Member Sample seconded, to revisit the Consent Agenda to clarify the consideration of certain items. By voice vote approval was unanimous.

Council Member Tierney moved, and Council Member Williams seconded, to remove items M – 1 and I – 1 from the Consent Agenda. By voice vote approval was unanimous.

Council Member Schmid expressed concern that they weren't doing this in a legal manner.

Mayor Gawlik responded that the rules of order allow them to revisit an item voted on at the next scheduled meeting. He referred to the reference guide provided to Council for further clarification on a reconsideration motion, reading the passage aloud.

Council Member Tierney moved, and Council Member Smeback seconded, to accept the amended Consent Agenda. By voice vote approval was unanimous.

- J. Public Hearings **None**
- K. New Business **None**
- L. Old Business **None**
- M. Resolutions

- 1. Resolution Denying the Preliminary Plat of "Somerset II" (912.42.14-05) and Adopting Findings and Conditions of Preliminary Plat Denial

Council Member Tierney moved, and Council Member Smeback seconded, to delay action on the item until legal counsel can determine if Council accepted new evidence during the closed hearing. Roll was called: Council Member Smeback – yes; Council Member Tierney – yes; Council Member Schmid – yes; Council Member Sample – abstain; Council Member Williams – yes. Motion passed with four yes votes and one abstention.

- 2. Resolution Authorizing the Mayor To Sign An Agreement With the Selah Downtown Association Concerning Financial Support

Clerk/Treasurer Novobielski addressed M – 2. He said that the agreement was revised by City Attorney Noe according to Council's wishes, and that the Selah Downtown Association (SDA) offered input on the revisions during their monthly meeting yesterday. He deferred to Assistant to the City Administrator Potter for further details.

Assistant to the City Administrator Potter approached the podium and addressed the Council. He stated that the members of the SDA proposed a revision in section four to the amount of three thousand dollars, and that they additionally agree to provide the Council with an annual spending plan.

Council Member Schmid expressed his concern regarding the proposed change from one thousand to three thousand dollars, as that amount is twenty percent of what the City gives them annually. He also indicated his desire to have more knowledge about what the money is used for.

Council Member Tierney stated his support of Council Member Schmid's concerns, suggesting that it be amended to read 'in excess of one thousand dollars for a single purchase'.

Assistant to the City Administrator Potter commented that the SDA voted on two significant items the previous day, one for up to eight hundred dollars for maps, and one of up to three thousand dollars for a sponsored art festival at Nana Kate's with art, chalk artists, and security.

Interim City Administrator Henne remarked that they only meet once a month, and that the total amount for various items for the art festival came out at around three thousand dollars. He felt that having it go to Council and then back to them would drag the process out unnecessarily.

Mayor Gawlik said that he offered an explanation of Council's wishes in the matter to the SDA, as well as the requirement from the State Auditor's office regarding accountability. He added that they felt a one thousand dollar limit would hamstring them on making any decisions.

Council Member Schmid felt that the SDA is doing some good things for Selah, but that the City should have closer oversight on expenditures while they are the primary financial support. He stated that he isn't requesting for approval at a Council Meeting, only that they present it to the Mayor and that he can contact Council for their approval.

Council Member Smeback didn't see the need for micro-management of the funds allotted to the SDA, saying that if Council didn't like how they managed the funds they could opt not to provide as much the next year.

Council Member Sample said that he attended the last two SDA meetings as the Council representative, and that they are a group of hard-working individuals who've spent many hours putting their organization together. He felt that they deserved some leeway.

Council Member Williams commented that they are a new organization, and that Council should watch them more closely this first year, revisiting the matter the following year.

Assistant to the City Administrator Potter stated that the SDA didn't have an issue with any portion of agreement; they'd like to be held accountable.

Council Member Tierney commented that section eight isn't complying with section four at present, as it stated they will provide quarterly and annual information for comment, not approval.

Assistant to the City Administrator Potter reminded Council that the State Auditor wants them to have a financial agreement with the SDA, adding that they can comply with both sections four and eight without encountering a conflict.

Council Member Tierney recommended that they change it to read 'for a single purchase', as he would still like to know how they are spending taxpayer dollars.

Council Member Williams moved, and Council Member Schmid seconded, to approve the Resolution Authorizing the Mayor To Sign An Agreement With the Selah Downtown Association

Concerning Financial Support without the modification suggested by the Selah Downtown Association. Roll was called: Council Member Smeback – no; Council Member Tierney –no; Council Member Schmid – yes; Council Member Sample – no; Council Member Williams – yes. Motion passed with two yes votes and three no votes. Motion failed.

Council Member Tierney moved, and Council Member Schmid seconded, to approve the Resolution Authorizing the Mayor To Sign An Agreement With the Selah Downtown Association Concerning Financial Support with the inclusion of the suggested amendment from the Selah Downtown Association in Section Eight and an amendment in Section Four to change the dollar amount to read ‘in excess of \$1000’ and add the verbiage ‘for a single purchase payment’.

Council Member Sample requested an explanation of what Council Member Tierney means.

Mayor Gawlik responded that, if they have an item they wish to purchase that is fifteen hundred dollars they would need to make a proposal to Council for approval.

Council Member Sample asked for confirmation that any single purchase under one thousand could be made without Council approval.

Mayor Gawlik responded in the affirmative.

Clerk/Treasurer Novobielski remarked that they could make multiple purchases from one vendor, suggesting that they clarify it to be for a payment in excess of one thousand dollars, in one transaction, to a vendor.

Council Member Sample stated that the board discussed several separate purchases yesterday.

Assistant to the City Administrator Potter expanded on that, saying that they had five or six different items for purchase and that no single item would exceed the one thousand dollar threshold.

Council Member Williams expressed her concern over having City Attorney Noe review the amended contract.

Council Member Tierney reiterated that he wants to account for spending taxpayer dollars.

Council Member Schmid suggested changing the language in section four to read ‘prior to undertaking any projects or efforts in pursuance of this Agreement utilizing CITY funds provided to the SDA in excess of \$2000.00 for a single purchase, the SDA shall consult with the City Mayor before moving forward with such project or effort’.

Council Member Tierney withdrew the second portion of his motion regarding Section Four, deferring to Council Member Schmid for a friendly amendment to the motion.

Executive Assistant Lake stated that the first half of Council Member Tierney’s motion, currently on the table, must be acted upon prior to voting on a new motion.

Council Member Tierney moved, and Council Member Schmid seconded, to approve the Resolution Authorizing the Mayor To Sign An Agreement With the Selah Downtown Association Concerning Financial Support with the inclusion of the suggested amendment from the Selah Downtown Association in Section Eight. Roll was called: Council Member Smeback – yes; Council member Tierney – yes; Council Member Schmid – yes; Council member Sample – yes; Council Member Williams – yes. By voice vote approval was unanimous.

Council Member Schmid moved, and Council Member Tierney seconded, that item four be amended to read ‘Prior to undertaking any projects or efforts in pursuance of this Agreement utilizing CITY funds provided to the SDA in excess of \$2000.00 for a single purchase, the SDA shall consult with the City Mayor before moving forward with such project or effort’. Roll was called: Council Member Smeback – yes; Council member Tierney – yes; Council Member Schmid – yes; Council member Sample – yes; Council Member Williams – yes. By voice vote approval was unanimous.

- * 3. Resolution to Approve the Wernex Loop – Supplemental Agreement Number 1, to the Local Agency Standard Consultant Agreement – for the Transportation Alternatives Program (TAP) for Engineering Construction Services for the Sidewalk Improvements on Wernex Loop
- 4. Resolution Authorizing the Mayor to sign an Interagency Amendment No. 1 between the City of Selah and the Washington State Department of Enterprise Services (DES), Facilities Division, Engineering and Architectural Services

Interim City Administrator Henne addressed M – 4. He said that this is agreement, part of the energy efficiency audit done last year, is to hire a consultant to provide design and procurement of equipment adding that this one is for DES to provide the WWTP with exterior lighting and a measurement of energy savings to apply for the rebate .

Council Member Williams noted a typo in the last paragraph of the Resolution that should read Enterprise Services, not Energy Services.

Interim City Administrator Henne commented that they were going to replace the aeration and blowers anyway, and that this allows the City to work with a pre-approved contractor who buys from approved suppliers. He reminded Council that DES guaranteed that the annual rebate savings, and that they are also receiving four hundred seven thousand dollars in grant monies.

Council Member Smeback moved, and Council Member Schmid seconded, to approve the Resolution Authorizing the Mayor to sign an Interagency Amendment No. 1 between the City of Selah and the Washington State Department of Enterprise Services (DES), Facilities Division, Engineering and Architectural Services. Roll was called: Council Member Smeback – yes; Council Member Tierney –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.

5. Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 A (1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project

Interim City Administrator Henne addressed M – 5. He said that each phase has been broken down into a separate contract; this one is for the measurement and verification for the second and third years, as well as design of the lighting equipment.

Council Member Tierney had a question about the payment structure, saying that it looks like the City is paying in advance of getting billed.

Interim City Administrator Henne responded that the first draw will come from the grant, then the rest will come from the City; the project is slated for completion by December 2017.

Council Member Tierney asked why they were paying in advance for something not yet done.

Interim City Administrator Henne replied that they aren't paying in advance. He noted that the other contract agreement shall be completed by December 31, 2019.

Council Member Smeback moved, and Council Member Tierney seconded, to approve the Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 A (1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project. Roll was called: Council Member Smeback – yes; Council Member Tierney –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.

6. Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 G (1-1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project

Interim City Administrator Henne addressed M – 6. He said that this contract is part of the contact between the City and the Department of Enterprise Services, guaranteeing payment to them as they will contract with Ameresco on our behalf. He noted that there were some contingencies added.

Council Member Tierney expressed his appreciation that part of the process will update City-owned street lighting to reduce sky pollution.

Interim City Administrator Henne remarked that LED lights have a sharp cut off, which can make retrofitting a challenge due to spacing of poles. He noted that there should be less extraneous light once this has been completed.

Council Member Schmid suggested that they look at new subdivisions regarding their street lights, as developers may need to put more poles in.

Interim City Administrator Henne responded that he will need to talk with Pacific Power about that.

Council Member Tierney moved, and Council Member Schmid seconded, to approve the Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 G (1-1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project. Roll was called: Council Member Smeback – yes; Council Member Tierney –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – abstain. Motion passed with four yes votes and one abstention.

N. Ordinances

1. Ordinance Creating a New Chapter 4.28 to the Selah Municipal Code entitled “Parades”

Recreation Manager Brown addressed N – 1. He said that parades becoming more popular, and that this Ordinance would allow the Police Chief and the Mayor to decide whether to allow a parade, as well as set out guidelines and procedures for those interested in putting one on.

Council Member Schmid remarked that item number five will disappoint a lot of kids.

Recreation Manager Brown responded that it’s a safety issue; they can’t throw candy from moving vehicles.

Council Member Tierney wondered if a rejection notice would be sent certified mail to ensure that the parties receive notice.

Recreation Manager Brown replied that they can certify those when they’re mailed out.

Council Member Smeback moved, and Council Member Schmid seconded, to approve the Ordinance Creating a New Chapter 4.28 to the Selah Municipal Code entitled “Parades”. Roll was called: Council Member Smeback – yes; Council Member Tierney –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.

O. Reports/Announcements

1. Mayor

Mayor Gawlik had no report.

2. Council Members

Council Member Sample had no report.

Council Member Tierney requested a Study Session for Council to review the State audit.

Council Member Smeback had no report.

Council Member Williams had no report, but mentioned that the YVCOG Funders Regional Forum will be on March 29th.

Council Member Schmid had no report.

3. Departmental

Police Chief Hayes said that, based on a recently released study of cities across Washington State, that Selah was listed as the fifth safest city to live in.

Mayor Gawlik congratulated him and his officers.

Fire Chief Hanna said that a large truck hauling a storage tank will be coming through the areas sometime during the night, and that it will hopefully go off without a hitch.

Recreation Manager Brown gave a brief update on Volunteer Park, noting that they are approximately ninety thousand dollars from their match goal. He added that there is a thermometer on the website tracking the amount of funds raised.

Clerk/Treasurer Novobielski said that the February financial were available on the website, along with the state audit that was just completed.

Planner Durant gave a brief update on the status of the Planning Department, saying that he is focusing on getting through the backlog of applications. He noted that there will be a few items going to the Hearing Examiner and the Planning Commission in the next couple weeks, which will then come to Council for review.

Council Member Williams wondered what the number of hours was for the month.

Interim City Administrator Henne replied that he hadn't received an invoice yet.

Planner Durant responded that ten and a half hours per week was the target, and that it hasn't been much beyond that number. He indicated his intent to review the bill with Interim City Administrator Henne, adding that the next one may be higher due to the quantity of hearings scheduled.

Council Member Williams expressed her appreciation for his presence at the meeting.

Assistant to the City Administrator Potter spoke briefly about the trip to Olympia for City Action Days, noting that he established contacts with local legislators while there. He remarked that the City can push to receive monies for the Civic Center and other projects during the biannual budget process. He commented that he collected information on municipal pools from both Othello and Prosser and has arranged a meeting to determine the next steps in the process.

Interim City Administrator Henne said that he and Assistant to the City Administrator Potter will be attending the Funders Forum on Friday to see what is available and if any of the City's projects fit within the various funding thresholds. He stated that the surveys for Wixson Park and the Civic Center

have been started and they should have them by the end of the week. He gave a progress report on the progress towards getting a new pool, noting that there is a survey on the website for citizens to express their opinion on what type of pool they'd like to have.

Council Member Schmid remarked that the Public Works crew did an outstanding job on the Civic Center.

Interim City Administrator Henne said that he had guys all over building doing maintenance as well as painting the outside. He commented that Community Days will be here before they know it.

Council took a five minute recess.

4. Boards **None**

P. Executive Session

1. 20 Minute Session re: Property Acquisition RCW 42.30.110 (1) (b)

Council went into Executive Session at 8:00pm. At 8:20pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Interim City Administrator Henne stated that they received a request from the Yakima Valley Libraries board requesting that the City assign its interest to them.

Council Member Sample inquired about the equity the City had towards purchase of the property.

Interim City Administrator Henne responded that the owner had allocated five hundred dollars from their monthly lease payment to be applied towards the purchase price.

Council Member Sample asked for confirmation that it was part of the option to purchase clause.

Interim City Administrator Henne responded in the affirmative.

Council Member Sample wondered if the Library board would receive the credit that the City has towards the purchase.

Interim City Administrator Henne replied in the affirmative.

Council Member Smeback noted that it makes sense for the landlord to charge a higher interest rate if the renter will get something back by opting to purchase the property.

Council Member Smeback moved, and Council Member Tierney seconded, to compose a letter to Yakima Valley Libraries assigning the City's interest in the purchase option of the rental agreement for the Selah Library building and property. Roll was called: Council Member Smeback – yes; Council Member Tierney –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.

Q. Adjournment

Council Member Tierney moved, and Council Member Sample seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 6:23pm.

John Gawlik, Mayor

EXCUSED
Paul Overby, Council Member

John Tierney, Council Member

Dave Smeback, Council Member

Allen Schmid, Council Member

EXCUSED
Brooke Finch, Mayor Pro Tem

Roy Sample, Council Member

Jane Williams, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM
3/24/2015 I – 2

Title: Claims & Payroll

Thru: Joe Henne, Interim City Administrator

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: See Check Registers.

Funding Source: Various. See Check Registers.

Staff Recommendation:

Approval of Claims & Payroll as listed on Check Registers.

Background / Findings & Facts:

See check Registers.

Recommended Motion:

Motion to Approve the Consent Agenda as read. (This item is part of the Consent Agenda)



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/24/2015 K – 1

Title: Community Services Specialist Pay Scale Adjustment

Thru: Joe Henne, Interim City Administrator

From: Rick Hayes, Chief of Police.

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: See attached document

Funding Source: Fund 001.000.021.521.20

Staff Recommendation:

Approve the pay scale change.

Background / Findings & Facts:

When we posted this job opening, it was listed as "Salary: \$35,227 - \$43,296 - \$47,835" (\$54,484 and \$57,875 is with benefits for bottom two pay scales) and . I assumed that my budget for that position was set at the higher scale so that we would be covered if I hired a person with lots of experience and offered the top or middle scale. I found out last week that my budget has that position budgeted at the lowest salary range.

The person I want to hire has 6+ years working for Yakima Police and 9+ total years of experience in community services and she has no spouse or children. We want to offer her the job at the middle salary scale because of her experience..

I am wanting this person to start on April 16, 2015, thus not using approximately \$15,891 of what has been budgeted since January. If I hire this person at the middle scale, her monthly wage + benefits would be \$4823. The monthly wage + benefits that we have budgeted for a



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



person **with a spouse** and at the **lowest pay scale** is \$4540. The difference between these two is \$283.

If we divide the amount we have not use so far this year by 8.5 (Months this employee would work this year) it comes out to \$1870 which would which would easily cover the difference of \$283 a month that it would take to pay this person at the middle scale without a budget adjustment.

Attached you will find a 2015 estimated salary and benefits breakdown from Dale Novobielski.

Recommended Motion:

Approve the Pay Scale Adjustment for the Community Services Specialist position.

Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
Click here to enter a date.	Click here to enter text.
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2015 EST. SALARY & BENEFITS BREAKDOWN

11/12/14

		MONTHLY WAGE	ANNUAL WAGES	LABOR DISTRIB.	UNEMP	PENSION	S.S. & MED	L & I	INS.	TOTAL BENEFITS	TOTAL WAGE & BENEFITS
Law Enforcement											
001.000.021.521.20											
100% Comm Svc Spec.	001.000.021.521.20	2,950	35,399	35,399	71	3,540	2,708	242	12,525	19,085	54,484
100% Comm Svc Spec.	001.000.021.521.20	3,608	43,296	43,296	87	4,330	3,312	242	6,809	14,579	57,875



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/24/2015 M – 1

Title: Resolution Authorizing Participation in Reimbursement Obligations with the Washington State Treasurer for Energy Efficiency Projects.

Thru: Joe Henne, Interim City Administrator

From: Joe Henne, Public Works Director

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: \$ 993,788.00

Funding Source: Fire Control 103, Streets 110 and Sewer 415

Staff Recommendation:

Acceptance and approval.

Background / Findings & Facts:

The City has entered into an agreement with DES to provide personnel and services for work to be performed for the City-wide energy conservation project. The City will participate in reimbursement obligations with the Washington State Treasurer for the DES Energy Efficiency Projects.

Recommended Motion:

Approve the resolution for participation in reimbursement obligations with Washington State Treasurer for energy efficiency project.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
3/10/2015	Resolution Authorizing the Mayor to sign an Interagency Amendment No. 1 between the City of Selah and the Washington State Department of Enterprise Services (DES), Facilities Division, Engineering and Architectural Services.
3/10/2015	: Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 A (1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project.
3/10/2015	Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 G (1-1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project.
7/8/2014	Resolution authorizing the Mayor to enter into an Agreement with DES for an Audit Agreement.
5/13/2014	Resolution authorizing the Mayor to enter into an Agreement with DES for an Audit Agreement.

[Click here to enter a date.](#) [Click here to enter text.](#)

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PARTICIPATION IN REIMBURSEMENT OBLIGATIONS WITH THE WASHINGTON STATE TREASURER FOR ENERGY EFFICIENCY PROJECTS

WHEREAS, the City of Selah, (the “Local Agency”) reasonably expects to reimburse the expenditures described herein with the proceeds of a financing contract to be entered into by the Local Agency (the “Reimbursement Obligation”), and;

WHEREAS, the expenditures with respect to which the Local Agency reasonably expects to be reimbursed from the proceeds of Reimbursement Obligations are for Waste Water Treatment Plant energy conservation upgrades and Public Works, Street and Fire exterior lighting energy efficiency improvements, and;

WHEREAS, the expenditures with respect to which the Local Agency reasonably expects to be reimbursed from the proceeds of Reimbursement Obligations will be made from fund 103 Fire Control, fund 110 City Street and fund 415 Sewer, and;

WHEREAS, the maximum principal amount of Reimbursement Obligations expected to be issued for the projects described above is \$ 993,788.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the City is authorized to participate in reimbursement obligations with the Washington State Treasurer’s office to fund the described energy conservation improvements.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 24th day of March 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk Treasurer

Robert Noe, City Attorney

RESOLUTION NO. _____



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/24/2015 M – 2

Title: Resolution authorizing the Mayor to sign an Employment Agreement with Donald Wayman for the City Administrator position

Thru: Joe Henne, Interim City Administrator

From: John Gawlik, Mayor

Action Requested: Approval

Board/Commission Recommendation: Approval

Fiscal Impact: \$8,750.00 per month

Funding Source: Fund 001

Staff Recommendation:

Confirmation of the selection of Donald Wayman as the new City Administrator

Background / Findings & Facts:

An eight person committee, headed by the Mayor, conducted two rounds of interviews before selecting Donald Wayman as the best candidate to lead Selah in the direction it needs to grow and thrive.

Recommended Motion:

Approval of the Resolution authorizing the Mayor to sign an Employment Agreement with Donald Wayman for the City Administrator position

CITY OF SELAH, WASHINGTON
RESOLUTION NO. _____

A **RESOLUTION** authorizing the Mayor to sign an Employment Agreement with Donald Wayman for the City Administrator position.

WHEREAS, the Mayor having requested statements of qualifications from interested persons for the position of City Administrator;

WHEREAS, the Mayor having conducted applicant interviews and having considered the input of City staff regarding the selection of a City Administrator;

WHEREAS, the Mayor offered the position of City Administrator to Donald Wayman and appointed Donald Wayman to the position subject to entry of an agreed upon employment contract and subject to a successful background investigation; and,

WHEREAS, the City Council confirmed the Mayor's selection of Donald Wayman for the position;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, HEREBY RESOLVES as follows:

The Mayor is authorized to sign an Employment Agreement with Donald Wayman for the position of City Administrator for the City of Selah.

PASSED this 24th day of March, 2015.

John Gawlik, Mayor

ATTEST:

APPROVED AS TO FORM:

Dale Novobielski, Clerk/Treasurer

Robert F. Noe, City Attorney

**EMPLOYMENT AGREEMENT BETWEEN
THE CITY OF SELAH, WASHINGTON AND DONALD WAYMAN**

THIS EMPLOYMENT AGREEMENT is made between THE CITY OF SELAH, a Washington Municipal Corporation ("the City") and Donald Wayman ("the Employee"),

RECITALS

- A. The relationship between the Mayor, City Council, and its City Administrator requires the utmost confidence and trust to lawfully carry out and implement city policies and practices.
- B. The City desires to employ Donald Wayman as City Administrator for the City of Selah, County Council, and in such other capacities as the County and the Employee may agree to serve.
- C. The City and the Employee desire to establish and delineate the terms and conditions of employment and, to that end, the City and the Employee desire to enter into this agreement.

NOW THEREFORE the City and the Employee agree as follows:

Section 1. **EMPLOYMENT**

The City hereby employs the Employee as the City Administrator to perform such duties as are currently prescribed under Selah Municipal Code section 1.10.015 or as may be prescribed by the Mayor or City Council in their sole discretion consistent with the laws of the State of Washington.

Section 2. **TERM**

This agreement shall commence on May 1, 2015 and shall continue until terminated as provided herein.

Section 3. **DUTIES OF EMPLOYEE**

Employee will:

- A. Devote the time, skill, labor and attention to employment during the term of this employment as may be necessary to accomplish the work. This position is considered to be full time, but the Employee is granted flexibility to determine the hours of such work.
- B. Not engage in any employment that will interfere with his employment with the City.
- C. Faithfully adhere to the Code of Ethics for Municipal Officers in Chapter 42.23 RCW, as amended.

- D. Disclose prior to entering into this agreement, or at such time as the Employee becomes aware of such circumstance, any known contracts or financial arrangements that the Employee would reasonably expect would be affected by actions by the City.
- E. Not disclose, during employment or at any time thereafter, to any person, firm, or corporation any non-public information concerning the business or affairs of the City which he may have acquired in the course of, or as an incident to, his employment to the financial detriment or reasonable expectation of financial detriment to the City.
- F. To leave in place or to return immediately upon termination of employment with the City all property of the City, including but not limited to keys, phones, pagers, automobiles, computer hardware and software, original drawings, plans, specifications, manuals, procedures, and any and all other documents of any kind which were provided to or generated by him in the course of, or in connection with, his employment by the City.

Section 4. **COMPENSATION**

- A. The City will pay The Employee as compensation for services a monthly salary of \$8,750.00, and maintain such increases to salary as provided below. The employee will be eligible for up to \$5,000 in actual moving expenses, upon submitting a written request with proper documentation.
- B. Upon completion of satisfactory work performance and at the Mayor's discretion, the employee's pay will be increased up to 5% May 1, 2016 and May 1, 2017.
- C. At the beginning of each fiscal year, the City may increase or decrease the salary for a cost-of-living adjustment so long as all salaries of those in the Management and Non-represented group are changed accordingly.
- D. At any time the City may increase said salary based on merit at the sole discretion of the Mayor and City Council.
- E. As the Employee is engaged in a professional and executive capacity and is compensated on a predetermined salary basis, the position is exempt from the maximum hours provisions of the Fair Labor Standards Act.

Section 5. **BENEFITS**

- A. The City will provide fringe benefits as provided to other personnel under the provisions of the City of Selah Personnel Policies. Except that the employee shall receive a starting credit of 80 hours of vacation leave and shall accrue vacation leave at the rate of 18 days per year. The Employee understands that the City may, in its sole discretion, add, alter, amend, modify, or terminate such benefits at any time without any notice as allowed by law.
- B. Expenses incurred for travel on City business shall be reimbursed per the City's Personnel Policies and Travel Policy.

- C. The Employee will be provided with the use of a cellular telephone, and the use of a City vehicle, for conducting City business.
- D. The City shall pay an amount equal to the Employer Contribution Rate established for PERS 3 members to either a PERS 3 account or other deferred compensation program available to City employees.
- E. The cost for professional subscriptions, and association and member dues will be provided for within the City Administrator budget.

Section 6. TERMINATION

This contract is for an indefinite period, that is, without a designated date as to when the appointment will end. The agreement can be terminated or modified for any reason that does not unlawfully discriminate or violate public policy, including but not limited to: lack of work, lack of funds, reorganization, or unsatisfactory performance, as determined in the sole discretion of the Mayor. Employee serves at the will and the pleasure of the Mayor. There is no probationary period, nor attainment of permanent employee status.

Termination is to occur as provided below.

- A. With Notice. This agreement may be terminated with thirty days written notice:
 - (1) By the Mayor for any reason; or
 - (2) By the Employee by voluntary resignation; provided, however, that the City may, at its option, discharge the Employee immediately and pay salary and benefits as if the Employee were fully employed until the end of the notice period.
- B. Without Notice. This agreement may be terminated without notice, for misconduct. For purposes of this agreement "misconduct" includes dishonesty, fraud, commission of a felony or of a crime involving moral turpitude, destruction or theft of City property, physical attack resulting in injury to a fellow employee, uses of narcotics or alcohol to an extent that materially impairs the Employee's performance of his or her duties, willful malfeasance or gross negligence in the performance of the Employee's duties. Such dismissal must, be based on facts that are supported by substantial evidence reasonably believed by the City to be true, and not be for any arbitrary or capricious or illegal reason.

Section 7. COMPENSATION AFTER TERMINATION -- SEVERANCE PAY

- A. In the event the Employee is terminated by the City for misconduct as provided in Section 6(B), the Employee shall receive no severance pay, however the Employee shall be entitled to receive earned pay, accrued vacation leave pay and accrued sick leave pay as provided for upon termination in the City of Selah Personnel Policies.
- B. In the event this contract is terminated by the Employee without the full notice required by Section 6, then the Employee shall receive all earned pay and accrued vacation leave pay, but no severance pay, and no accrued sick leave pay.

- C. In the event this contract is terminated by the Employee with full notice required in Section 6, the Employee shall receive all earned pay, accrued sick leave pay and accrued vacation pay, as provided by City of Selah Personnel Policies, but no severance pay.
- D. In the event this contract is terminated by the City for any other reason, the Employee shall be entitled to receive within 30 days of the Employee's last scheduled work day all earned pay, accrued sick leave pay and accrued vacation pay as provided by the City of Selah Personnel Policies and severance pay equal to three months' salary (if less than one year of employment) or severance pay equal to six months' salary (if more than one year of employment).

Section 8. **APPLICABLE LAWS**

The Employee agrees to abide by all applicable local, state, and federal laws. This agreement shall be governed by the laws of the State of Washington and venue of any action concerning this agreement shall be in Yakima County, Washington.

Section 9. **MEDIATION**

The parties shall attempt to resolve any controversies or disputes arising out of or relating to this Agreement and the employment of the City Administrator through a good faith attempt at mediation. The City shall pay the mediator's fee and any administrative expenses imposed by the mediator. Each party will pay its own attorney's fees and costs.

Section 10. **ARBITRATION**

- A. Any controversy or claim arising out of or relating to this Agreement that is not resolved through mediation, shall be resolved by final and binding arbitration pursuant to RCW 7.04. Demand for arbitration shall be made in writing to the other party. The arbitration shall be held in Yakima County before a single arbitrator selected by the agreement of the parties. If the parties cannot agree upon an arbitrator within fifteen (15) days after the demand for arbitration is made, the arbitrator shall be selected by a judge in the Superior Court of Yakima County in accordance with the procedures set out in RCW 7.04.050.
- B. Unless the parties agree otherwise in writing, the arbitration hearing shall occur no later than sixty days after the date the arbitrator is appointed.
- C. The parties agree that, with the exception of the circumstances set out in RCW 7.04.160, the arbitrator's decision shall be binding, final and not appealable to any court of law.
- D. Each party shall pay its own costs of arbitration including attorneys' fees. The arbitrator's fee and any administrative expenses imposed by the arbitrator shall be shared equally by the parties.
- E. This agreement shall be governed by laws of the state of Washington, both as to interpretation and performance.

- F. This agreement to arbitrate applies not only to claims arising out of an alleged breach of this Agreement, but to *all* claims, disputes or controversies arising out of or relating to the Employee's employment and/or cessation of employment with the City. All such claims, disputes or controversies shall be resolved exclusively by final and binding arbitration as provided in this Agreement. By way of example only, such claims include claims under federal, state, and local statutory or common law, such as the Age Discrimination in Employment Act, Title VII of the Civil Rights Act of 1964, as amended, including the Civil Rights Act of 1991, the Americans with Disabilities Act, the Washington Law Against Discrimination, the law of contract, and the law of tort.

Section 11. INDEMNIFICATION

The City shall protect, defend and indemnify the Employee and his marital community from personal liability for acts or omissions committed by such the Employee while within the scope of the official city duties. Defense will be provided by the City of Selah City Attorney's Office or through an attorney appointed as Defense Council through the City of Selah insurance pool, the Cities Insurance Association of Washington (CIAW). The necessary expenses of defending the action or proceeding shall be paid by the City and/or CIAW and any final money judgment against said the Employee or the marital community shall be paid by the City and/or CIAW.

Except as specifically directed by the City Attorney or CIAW the Employee may not engage in any of the following acts with respect to actions or proceedings for damages defended pursuant to this Agreement:

- A. Negotiate or otherwise affect the settlement of such an action or proceeding for damages against the City;
- B. Make an admission of liability involving such an action or proceeding for damages against the City; or
- C. Discuss with persons who are not city employees incidents which could reasonably lead to actions or proceedings for damages against the City, or its officers or employees.
- D. Engage or retain legal counsel at city expense.

This indemnification provision shall survive termination of this contract. The Employee agrees to cooperate and participate as may be necessary to carry out the defense of any action, and if not a current employee to be compensated for all such activities at an hourly rate equal to the Employee's salary, adjusted to an hourly rate.

Section 12. AMENDMENT

The terms of this agreement may not be altered, amended, or otherwise modified except by the express written agreement of the parties.

Section 13. SEVERABILITY

If any provision of this agreement is held to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

Section 14. WAIVER

The waiver or the failure to take action with respect to breach of any term, covenant or condition shall not affect the Employee's duties hereunder or waive any rights concerning any subsequent breach. All remedies afforded in this Contract shall be taken as cumulative, that is, in addition to every other remedy provided therein or by law.

Section 15. ENTIRE AGREEMENT

Except as provided in Sections 4 and 5, above, this employment agreement constitutes the entire agreement between the parties with respect to the subject matter thereof, and supersedes all prior written agreements and all prior or contemporaneous oral agreements or understandings between the parties.

EXECUTED ON THIS 24th day of March, 2015 in Selah, Washington.

City of Selah

Employee

Mayor John Gawlik

Donald Wayman

ATTEST:

Dale Novobielski, City Clerk/Treasurer

APPROVED AS TO FORM:

Robert F. Noe, City Attorney



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/24/2014 M – 3

Title: Resolution Denying the Preliminary Plat of “Somerset II” (912.42.14-05) and Adopting Findings and Conditions of Preliminary Plat Denial

Thru: Joe Henne, Interim City Administrator

From: Thomas R Durant, Community Planner

Action Requested: Approval

Board/Commission Recommendation: Denial

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

Approval

Background / Findings & Facts:

The Hearing Examiner conducted open record public hearing December 4, 2014. Prepared Findings of Fact and Conclusions recommending Denial of the Somerset II Preliminary Plat based on the recommendation for denial of the Planned Development without prejudice, *with allowance for reopening the open public record hearing in accordance with SMC 10.24.060.*

At the February 24, 2015 Council Meeting Council voted to deny the plat and adopt the Hearing Examiner’s Findings of Fact and Conclusions. This Resolution is the formal adoption of said vote.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Recommended Motion:

I move to approve the Resolution Denying the Preliminary Plat of “Somerset II” (912.42.14-05) and Adopting Findings and Conditions of Preliminary Plat Denial

Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
3/10/2015	City Council voted to delay action on the item until the next Council Meeting, pending a review by legal counsel
2/24/2015	City Council Closed Record Public Hearing. Vote to adopt the Hearing Examiner’s Findings of Fact and Conclusions and deny the Preliminary Plat
12/4/2014	Hearing Examiner – Open Record Public Hearing
10/14/2014	City Council Closed Record Public Hearing – remanded
9/30/2014	Planning Commission – Open Record Public Hearing

[Click here to enter a date.](#) [Click here to enter text.](#)

RESOLUTION NO. _____

RESOLUTION DENYING THE PRELIMINARY PLAT OF "SOMERSET II" (912.42.14-05) AND ADOPTING FINDINGS AND CONDITIONS OF PRELIMINARY PLAT DENIAL

WHEREAS, on February 24 2015 the City of Selah City Council considered Preliminary Plat No. 912.42.14-05 known as "SOMERSET II" on Herlou Drive and Lyle Loop Road Yakima County Taxation Parcel Numbers: (181426-44005 and 181426-44021); and,

WHEREAS, the Preliminary Plat was combined with an application for rezone of the subject property from One Family Residential (R-1) to Planned Development (PD) and is dependent on approval of that application; and,

WHEREAS, The Hearing Examiner recommended denial of the combined application of Preliminary Plat and rezone without prejudice, with allowance for re-opening the open record proceeding commenced in accordance with SMC 10.24.060 to allow consideration of and public comment on additional information and amended development plan and program material submitted by the applicant in its discretion; and,

WHEREAS, the City of Selah adopted the Hearing Examiner's findings and conclusions for the Planned Development rezone, denying it without prejudice, as recommended by the Hearing Examiner; and,

WHEREAS, the City of Selah Council has considered the Hearing Examiner's findings of fact and conclusions and the Council is satisfied that the matter has been sufficiently considered; and,

WHEREAS, the City Council adopts the Findings and Conclusions of the Hearing Examiner's Recommendation dated December 19, 2014.

WHEREAS, the City Council considered the elements of public use and interest to be served by such platting, and

WHEREAS, the City Council considered the elements of public health, safety, and general welfare pertaining to the preliminary plat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that Preliminary Plat No. 912.42.14-05 designated as "Somerset II" be denied, without prejudice as recommended by the Hearing Examiner's Findings and Conclusions.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON
this 24th day of March, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

Resolution No. _____

Vote: Motion passed with three yes votes, one abstention, one recusal, and two absent.

Council Member Overby	Absent
Council Member Tierney	Absent
Council Member Smeback	Yes
Council Member Schmid	Abstain
Council Member Finch	Yes
Council Member Sample	Recused
Council Member Williams	Yes



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/24/2015 N – 1

Title: Ordinance Amending the Duties and Powers of the City's Land Use Hearing Examiner

Thru: Joe Henne, Interim City Administrator

From: Joe Henne, Interim City Administrator

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

Approval of the Ordinance amending the Municipal Code in regards to the Hearing Examiner's duties and powers

Background / Findings & Facts:

At a previous meeting Council had expressed a desire to have quasi-judicial land use matters go before the Hearing Examiner rather than the Planning Commission, and this Ordinance changes the Municipal Code to reflect that.

Recommended Motion:

Approval of the Ordinance Amending the Duties and Powers of the City's Land Use Hearing Examiner

ORDINANCE NO. _____

**ORDINANCE AMENDING THE DUTIES AND POWERS OF THE CITY'S
LAND USE HEARING EXAMINER**

WHEREAS, RCW 35A.63.110 authorizes use of a hearing examiner as a replacement for a board of adjustment, RCW 35A.63.170 authorizes use of a hearing examiner in code cities, like Selah, for certain zoning matters, RCW 58.17.330 authorizes use of a hearing examiner for hearing and issuing recommendations or decisions on preliminary plat applications, RCW 36.70B.020(3) defines what open record hearings on project permit applications are and provides that a hearing examiner may conduct such hearings, and there are other RCW provisions providing for other duties that a hearing examiner may conduct for cities, particularly with respect to quasi-judicial matters; and,

WHEREAS, it is the intention of the Selah City Council to direct quasi-judicial land use applications to the Hearing Examiner for the conduct of open record hearings and for the Hearing Examiner's consideration; and,

WHEREAS, it is the intention of the Selah City Council that the Planning Commission focus its efforts and talents on providing advisory recommendations on legislative matters to the City Council " . . . relating to the comprehensive plan and the implementation thereof, including but not limited to, zoning, official map, and platting and subdivision regulations" as provided for in Selah Municipal Code section 1.24.050;

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH as follows:

Section 1. Selah Municipal Code Section 1.60.080 Amended. Selah Municipal Code section 1.60.080 "Powers and Duties" relating to the Hearing Examiner and that office's duties is amended as follows:

1.60.080 - Powers and duties.

(a) The examiner shall have the authority to receive and examine available information, conduct public hearings, prepare evidentiary records of hearing proceedings, and issue recommendations to the city council regarding land use matters including, but not limited to the following:

- (1) Long plat subdivision pursuant to city subdivision codes;
 - (2) Rezone applications **(both minor and major rezones)** pursuant to city zoning codes and **Selah Municipal Code Chapter 10.40;**
 - (3) Variances;**
 - (4) Conditional use permits; and,**
 - (5) Other quasi-judicial land use hearing matters; including applications requiring Class 3 review.**
- (b) The examiner may be delegated additional hearings, recommendations or decision making duties as determined by the city council.

Section 2. Selah Municipal Code Section 10.40.040 Amended. Selah Municipal Code section 10.40.040 “Major Rezones” is amended as follows:

10.40.040 - Major rezones.

Amendments to the zoning map that are contingent upon legislative approval of a comprehensive plan amendment shall be considered a major rezone.

- (1) RCW 36.70A, the Growth Management Act, authorizes amendments to the comprehensive plan not more than once per year in order that the cumulative effects of all such proposed plan amendments are considered. A comprehensive plan map amendment request and a major rezone application may be submitted at any time, and shall be processed in accordance with the annual comprehensive plan amendment schedule.
- (2) The hearing examiner, shall have jurisdiction for major rezone applications.
- (3) Processing of an application for a comprehensive plan amendment/major rezone is a legislative action and does not vest development of the property.

Section 3. Effective Date. This ordinance shall be effective at 12:01 a.m. the day following publication of a summary of the ordinance in the official newspaper of the City of Selah.

Section 4. Severability. If any section, phrase or provision of this ordinance is held illegal, invalid or unenforceable by a court of competent jurisdiction the remaining provisions of this ordinance shall remain in full force and effect.

Dated this 24th day of March, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

Robert F. Noe, City Attorney

ORDINANCE NO. _____



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/24/2015 N – 2

Title: Ordinance Amending the 2015 Budget for 2014 Bond Utility Tax Revenue Financial Results.

Thru: Joe Henne, Interim City Administrator

From: Dale Novobielski, Clerk-Treasurer

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: Future Interest Savings of approximately \$ 15,382 on the 2014 GO Bond and a replacement of \$ 101,185 in fund reserves.

Funding Source: Fund 001 General

Staff Recommendation:

Approve a principal retirement of \$ 80,000 on the 2014 GO Bond, the transfer of \$ 91,184.52 to reserve funds and the retention of \$ 10,000 within F001 General for the replacement of monies which were disbursed in previous years for GO Bond debt service.

Background / Findings & Facts:

In 2014 the 15% W-S-G Utility Tax resulted in the receipt of approximately \$ 646,839, of which \$ 465,655 was expended for debt service payments on the 2012 GO Bonds. As a result, a surplus of approximately \$ 181,184 of 15% Utility Tax money was carried over in F001 General at year end.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Recommended Motion:

I move to approve the Ordinance amending the 2015 Budget for the retirement of bond principal of \$ 80,000 on the 2014 GO Bond and the transfer of \$91,184.52 from fund 001 General to reserve funds 301 Capital Improvement and 310 Current Expense Building Reserve.

Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
Click here to enter a date.	Click here to enter text.
Click here to enter a date.	Click here to enter text.
Click here to enter a date.	Click here to enter text.
Click here to enter a date.	Click here to enter text.
Click here to enter a date.	Click here to enter text.
Click here to enter a date.	Click here to enter text.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2015 BUDGET FOR 2014 BOND UTILITY TAX REVENUES IN EXCESS OF DEBT SERVICE

WHEREAS, the City desires to amend the 2015 Budget for 2014 Bond Utility Tax revenues in excess of debt service;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2015 Budget as follows:

001 General

Non-Departmental

001.000.098.308.80	New Beginning Unreserved Fund Balance	\$ 669,091
001.000.091.591.13.71.00	Marudo Property – Principal	\$ 80,000
001.000.097.597.00.05.00	Transfers-Out – Fund 301 Capital Improvement	40,185
001.000.097.597.00.06.00	Transfers-Out – Fund 310 CE Building Reserve	51,000
001.000.999.508.80.00.00	New Ending Unreserved Fund Balance	566,574

301 Capital Improvement

301.000.098.397.00.00.00	Transfers-In – Fund 001 General	\$ 40,185
301.000.008.508.80.00.00	New Ending Unreserved Fund Balance	\$ 263,840

310 CE Building Reserve

310.000.098.397.00.00.00	Transfers- In – Fund 001 General	\$ 51,000
310.000.008.508.80.00.00	New Ending Unreserved Fund Balance	\$ 429,048

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 24th day of March 2015.

John J. Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

ORDINANCE NO. _____

Funding of 2002/2012 GO Bonds From Unrestricted Funds

Date	Amount Paid	001 General Fund	301 Capital Improv.	310 CE Bldg Res
December 1, 2002	\$31,182.08			\$31,182.08
June 1, 2003	93,546.25			93,546.25
December 1, 2003	93,546.25			93,546.25
June 1, 2004	93,546.25			93,546.25
December 1, 2004	93,546.25			93,546.25
June 1, 2005	93,546.25			93,546.25
December 1, 2005	9,000.00			9,000.00
June 1, 2006	0.00			
December 1, 2006	0.00			
June 1, 2007	0.00			
December 1, 2007	323,546.25		323,546.25	
June 1, 2008	90,556.25	90,556.25		
December 1, 2008	55,556.75	17,443.75	38,113.00	
June 1, 2009	37,148.75		37,148.75	
December 1, 2009	132,148.75		70,851.25	61,297.50
June 1, 2010	48,000.00		48,000.00	
December 1, 2010	21,728.00		21,728.00	

	\$1,216,598.08	\$108,000.00	\$539,387.25	\$569,210.83
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Repayments

January-14	(\$107,231.00)	(\$10,000.00)	(\$47,000.00)	(\$50,231.00)
January-15	(\$101,184.52)	(\$10,000.00)	(\$40,184.52)	(\$51,000.00)

Balance to be Repaid	\$1,008,182.56	\$88,000.00	\$452,202.73	\$467,979.83
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