

City of Selah  
Council Minutes  
March 8, 2016

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

A. Call to Order Mayor Raymond called the meeting to order at 4:00pm.

B. Roll Call

Members Present: John Tierney; Roy Sample; Laura Ritchie; Roger Bell; Russell Carlson;  
Diane Underwood

Members Excused: Paul Overby

Staff Present: Don Wayman, City Administrator; Bob Noe, City Attorney; Gary Hanna,  
Fire Chief; Rick Hayes, Police Chief; Ty Jones, Public Works Utility  
Supervisor; Tom Durant, Community Planner; Harmit Bedi, City Planner;  
Dale Novobielski, Clerk/Treasurer; Dave Mullen, Recreation Manager;  
Bree Tait, Civic Center Manager; Andrew Potter, Human Resources  
Manager; Monica Lake, Executive Assistant

City Administrator Wayman stated that Council Member Overby is unable to attend the meeting, due to work meeting that conflicts, and that he is requesting to be excused. He said that Council needed to vote on whether to excuse him.

**By voice vote, approval to accept his excuse was unanimous.**

City Administrator Wayman informed the council that they have done an internal review as to excusal procedures for Council Members, and that it is not within his or Executive Assistant Lake's power to excuse them. He added that, each time a Council Member is not available, the rest of the Council would need to vote on whether to excuse that individual. He ended by saying that they will be provided with written information on what constitutes approved and not approved absences.

C. Pledge of Allegiance

Council Member Bell led the Pledge of Allegiance. Pastor Darin Brown gave the prayer.

D. Agenda Changes **None**

E. Public Appearances/Introductions/ Presentations

1. Bronwyn Mayo, Wenas Mammoth Foundation

Bronwyn Mayo introduced herself to the Council then gave a PowerPoint presentation on the Wenas mammoth, including the foundation's ongoing efforts to educate children and adults about the history surrounding it, the successful naming of the mountain it was found on as Wenas Mammoth Mountain and their goals for the future.

Mayor Raymond thanked her for her presentation.

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

G. Communications

1. Oral

Mayor Raymond opened the meeting.

Carl Torkelson approached the podium and addressed the Council. He requested that he be allowed to speak before Community Planner Durant does his presentation on the Comprehensive Plan Amendment.

James Hanna approached the podium and addressed the Council. He talked about a Council Member's role and what the community expects of them, especially when applying City codes for zoning matters. He thought that the Council should go out of its way to avoid any appearance of favoritism to certain builders, and take steps towards regaining the trust of their citizens.

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

2. Written

- a. February 2016 Monthly Report for Building Permits/Inspections and Code Enforcement

Public Works Utility Supervisor Jones thanked Council for appropriating money in the budget for a new position, saying that they are seeing a direct impact already, as approximately sixty percent of the letters handed out have been resolved.

City Administrator Wayman remarked that the new code enforcement officer has thrown herself into her job, and will be sending out letters for things such as vehicles parked on public right of way, junk cars parked in view on private property, and other derelict cars.

Council Member Underwood inquired about yards and structures.

City Administrator Wayman replied that there is a steady stream of letters, notices and citations issued for those.

Council Member Underwood remarked that some people let their yards go.

Public Works Utility Supervisor Jones responded that he thinks she will see great improvement this year.

City Administrator Wayman noted that they are looking into stiffening up some penalties for code violations.

H. Proclamations/Announcements **None**

I. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

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

\* 1. Approval of Minutes: February 23, 2016 Council Meeting

\* 2. Approval of Claims & Payroll:

Payroll checks Nos. 79390 – 79414 for a total of \$243,467.09

Claim Checks Nos. 67287 – 67363 for a total of \$158,280.95

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

J. Public Hearings

1. 2005 Selah Urban Growth Area Comprehensive Plan Amendment 2015-1 (Carl & Candi Torkelson)

Council Member Tierney moved, and Council Member Carlson seconded, to allow a maximum of five minutes for comment for each member of the public who wished to speak. By voice vote, approval was unanimous.

Carl Torkelson approached the podium and addressed the Council. He gave each a handful of papers, referring to them as he talked about his desire to have a fair and just opportunity to be heard. He went through the items, numbered one through five, each of which were a communication from Council Member Underwood showing her as a vocal opponent to his projects. He opined that these communications make it abundantly clear where she stands, and show a disregard of State law and municipal code. He noted that she posted comments on the Facebook page Growing Selah Responsibly regarding the property at 905 Fremont Avenue, and also spoke in opposition to the project during the Planning Commission's hearing on the matter. He expressed his hope that Council Member Underwood would recuse herself then handed her a paper and asked that she read it aloud.

Council Member Underwood read aloud her oath of office.

Mr. Torkelson stated that the oath says she will faithfully and impartially discharge her duties as a Council Member, and asked if the comments he had read were hers.

Council Member Underwood responded in the affirmative.

Mr. Torkelson inquired if she backed the comments.

Council Member Underwood replied that those comments are not lies, but perhaps she misunderstood what was said at the Planning Commission meeting she attended, about the former Mayor allowing the houses to be built on that property.

Mr. Torkelson responded that Mr. Gawlik was the City's building inspector at the time.

City Attorney Noe addressed the appearance of fairness, saying that it applies to quasi-judicial matters brought to councils. He said that they can run into difficulties sometimes, because people run for office with positions on certain matters prior to taking office, adding that there is an exception that says if you as a council member campaign or otherwise espouse your position prior to becoming elected, it can't be used after the election to disqualify you from speaking on an initiative. He noted that, if a Council Member did participate in the hearing when the matter was being reviewed, his opinion is that it is something that would disqualify a Council Member from reviewing the matter when brought to Council.

Council Member Underwood stated that she talked with the MRSC attorneys, who told her that she could attend them while in office so long as she did not voice an opinion.

City Attorney Noe responded that it applies if she did not testify.

Council Member Underwood commented that it was prior to her being on Council.

City Attorney Noe inquired if she provided testimony on this at the Planning Commission hearing, reiterating that she cannot provide testimony and judge at same time.

Council Member Underwood replied that she did speak at the Planning Commission, although she cannot remember what she said at the time.

City Attorney Noe observed that the appearance of fairness doctrine is something Council needs to be cognizant of, as they need to not only be fair but also appear to be fair to an objective observer, adding that if she testified before the Planning Commission in opposition of issue currently before them there is an appearance of fairness issue.

Mr. Torkelson asked that she recuse herself, as he would like to be treated fairly.

Council Member Underwood asked if the matter could be postponed until the next meeting.

Mayor Raymond answered in the negative, saying that the Planning Commission put in a lot of hard work on this.

Mr. Torkelson noted that he has waited two years for this.

City Attorney Noe spoke about it being an issue if she does not recuse herself and the matter goes to court.

City Administrator Wayman wondered if the Council Member would be held personally accountable.

City Attorney Noe responded that he has not seen that but the statute does provide for it.

Mr. Torkelson said that he is protecting his interests in bringing this forward.

Council Member Underwood asked her fellow Council Members for their opinion.

Council Member Ritchie thought she should recuse herself since she voiced an opinion against this particular project at the Planning Commission's hearing, but requested of Mr. Torkelson that, if he brings another matter to Council, that this be brought to Council's attention earlier.

Council Member Sample was not sure he was qualified to give an answer, wishing that the proposal could be judged on the face of itself, not who builder is. He felt that her testifying there did disqualify her.

Council Member Tierney felt she should recuse herself, adding that, in his personal experience on the Council, he has recused himself from similar hearings because of prior involvement.

Council Member Carlson reiterated Council Member Ritchie's comments, saying that it had the potential to put the Council and herself in a difficult situation.

Council Member Underwood recused herself.

Council Member Carlson told Mr. Torkelson that it is helpful to know ahead of time and not be put on the spot.

Community Planner Durant passed around some correspondence, received earlier that day from Mr. James Hanna, which needed to be placed on the record.

City Attorney Noe spoke about the decision-making criteria associated with the application, which was unusual as the request was for a Comprehensive Plan amendment without an accompanying rezone. He said that the City's criteria under Chapter 10.40 is for both, and as they do not have specific criteria for a Comprehensive Plane amendment by itself, they used a combination of direction from the WAC and criteria used by YVCOG for Comprehensive Plans, staying consistent with the RCW's broad mandate to be consistent with the Comprehensive Plan. He stated that the Planning Commission went through each criteria, took evidence, applied the criteria, and made a decision based on that. Council could overturn their decision if they felt it was erroneous, but otherwise deference should be given to the Planning Commission.

Community Planner Durant addressed J – 1. He said that the application was to amend the Comprehensive Plan from Moderate Density to High Density residential for 905 West Fremont Avenue, owned by Carl & Candi Torkelson, and that the purpose of application is to allow use of the existing house and increase the number of dwelling units on the property to three. He stated that, prior to his tenure with the City, the decision had been made to allow new dwellings if the existing one was not used as a residence, which created problems with the existing house. He referred Council to the Planning Commission's recommendation, reviewing their findings and the decision they reached for recommendation to Council.

Council Member Sample wondered if all correspondence was given to the Planning Commission prior to their meeting.

Community Planner Durant responded that some came in after the Planning Commission meeting.

Council Member Sample wondered about the notes included, as it sounded as if there was no chance for verbal testimony at the Planning Commission meeting.

Community Planner Durant replied that a gentleman came up to the chairman after the hearing concluded. The chairman deferred to him, but the gentleman left before he was given permission to speak. He said that the gentleman was contacted and told to put something in writing to go before Council.

Council Member Sample commented that the Planning Commission made the decision based on the information they had, but they did not have everything in front of them.

City Administrator Wayman responded that he was at the meeting, and that he observed the individual not making himself heard or known until the proceeding was over. He felt that Chairman Quinnell had not reason to believe anyone else had anything to say, and that this information would have been helpful but not have affected the outcome.

Council Member Sample inquired about the sewer backup mentioned, and if it was a City sewer line.

Community Planner Durant replied that it is a City sewer, and that the solution to the gentleman's problem was the installation of a backflow preventer. He noted that it has to do with the design of the sewer, not the capacity.

City Administrator Wayman commented that they have had an issue with check valves on that line, not everyone has one, and those who do not have a higher chance of backflow.

Council Member Sample wondered if the old system might be plugged.

Community Planner Durant responded that it's not a problem exacerbated by adding additional units to it.

Public Works Utility Supervisor Jones stated that it is an eight-inch concrete line from the 1940s, with plenty of capacity; further downstream are some two-story homes with drains close to the elevation of

the pipe, which can cause some backups. He noted that those houses are quite a bit farther downstream than the property being discussed.

Council Member Sample wondered if there would be a separate lot for the separate building.

Community Planner Durant replied in the negative, saying that the three buildings on one lot will not change.

Council Member Ritchie asked him to confirm that there wouldn't be a Planned Development on that.

Community Planner Durant responded that the City repealed their Planned Development Ordinance.

Council Member Tierney felt that, if Council does not take action on this, that there is no requirement for Mr. Torkelson to tear down or maintain the structure, which could end up as a blight on the community.

Council Member Ritchie requested that Mr. Torkelson walk them through the project.

Mayor Raymond opened the Public Hearing.

Mr. Torkelson said that the two comprehensive plan amendments he requested last year are not connected. He handed out documents to the Council, showing them the subject property and where the sewer line runs across it, which did not allow him to put in two large units on the back of the property as he had originally intended. He stated that there was an error regarding the location of the sewer line, which Public Works Utility Supervisor Jones had informed him about when he started the process of grubbing the lot. He outlined the options available to him at that time, reiterating that the title report on the property did not reflect a sewer line running through the middle of the lot, and added that the neighboring property has a carport built directly over the line as well, giving him no indication that there was a sewer line issue.

Council Member Ritchie asked if one of the new buildings is attached to old building.

Mr. Torkelson responded that there is an eighteen-inch separation, with firewalls on each per fire code.

Council Member Ritchie remarked that it sounds like he had planned to move these to the back of the property, and with the original plan he would have taken the original building down.

Mr. Torkelson replied that he originally planned to tear down the existing structure and construct two building in the back. He added that former Community Planner Davison suggested doing a Comprehensive Plan amendment to resolve the matter. He would like to remodel the existing house, bring the driveway around from the backside, and put a green belt along the east side.

Council Member Ritchie asked if all three would have access through the back driveway.

Mr. Torkelson responded that one would access Fremont Avenue, but the other two would utilize the back driveway. He would eliminate the gravel driveway to the east, replacing it with a green belt. He noted that he has fixed the fence between that property and the neighbor twice already.

Council Member Bell wondered if he had agreed in the past to fix the fence.

Mr. Torkelson reiterated that he has fixed it twice, and agreed within the past few days to fix it again.

Council Member Ritchie commented that, if it were denied, that would not change the structures on the property, just prohibit him as using the front building as a residence. She said that it could be used as an outbuilding.

Mr. Torkelson felt this was the cleanest solution.

Council Member Ritchie inquired as to why he asked for a Comprehensive Plan amendment rather than a rezone.

Mr. Torkelson replied that it was done with direction from staff.

Council Member Ritchie opined that it leaves more discretion as long as it conforms to the Comprehensive Plan, as rezone criteria is more extensive.

Mr. Torkelson responded that it deals with the existing buildings.

Community Planner Durant remarked that rezoning it to R-3 would have created non-conforming zoning. He stated that this type of request is common in both Yakima City and Yakima County, giving a brief explanation of their process.

Council Member Ritchie expressed her concern regarding spot zoning.

Mr. Torkelson asked if it was his fault that he was unaware of the sewer line location, as it was not in the title report and not noticeable when waking the property. He said that he worked with staff on this, and felt it was the best way to solve his problem.

Council Member Ritchie wondered if there was any representation regarding what could happen when he built the second, smaller structure.

Mr. Torkelson replied that he was told by former Community Planner Davison, and former City Administrator Kelly, that he could do either a Planned Development or a Comprehensive Plan amendment to utilize the little house.

Council Member Ritchie commented that it is unfortunate that the amendment did not happen before he built, and asked why he chose to build before he got approval for the change.

Mr. Torkelson explained the construction loan and cash-out process, saying he was on a timeline and had to make this happen.

Council Member Carlson inquired if he was provided with the potential outcome of his options.

Mr. Torkelson responded that it was never presented to him that way; he was told they would make it work.

Council Member Carlson wondered if he was aware when he proceeded with the project that the potential outcome could be either a yes or a no.

Mr. Torkelson said that this was the best reasonable decision to make, and that the Planning Commission voted three to zero to approve it.

Council Member Carlson had no problem with anyone building and following City codes, but he struggles with him taking a chance, knowing the sewer line is there. He felt that Mr. Torkelson knew the potential outcome, and does not see it as the City's fault for his loss.

Mr. Torkelson replied that he had to cash out or lose the property.

Council Member Carlson expressed some concern regarding current zoning in that area, with zero high density lots, which made him question whether it is appropriate to make one lot R-3.

Mr. Torkelson responded that there is a Planned Development right beside it, and two eight-plexes at the end of Valleyview.

Shirley Johnson-Hoy approached the podium and addressed the Council. She said that she spoke with neighbors who came to Council when the development was being built, some of whom were so disgusted that they chose not to come this time, while others had family issues. She remarked that those she talked to wanted the area to stay R-2 and suggested that Mr. Torkelson remove the house and plant grass or make it a green space.

James Hanna approached the podium and addressed the Council. He handed a petition to Mayor Raymond, saying that any reasonable person would conclude that the project is incompatible. He said that he was told it would not set a precedent, and that one way to insure it does not is to deny the proposed change in zoning. He stated that City codes prevent the Planning Commission from granting variances for such construction, urging Council deny the request and not allow spot zoning.

Council Member Carlson asked if he could question those from the public who spoke.

Mayor Raymond responded in the affirmative.

Council Member Carlson asked Ms. Johnson-Hoy if the neighbors she spoke of presented her with a letter of agreement to speak on their behalf.

Ms. Johnson-Hoy replied that they signed a petition.

Mayor Raymond observed that over half of the signatures are not in the area.

Ms. Johnson-Hoy noted that some are on Fremont Avenue.

Council Member Carlson commented that, if an item were important to someone, they would be attending the meeting; people deciding not to show up because they are disgusted shows they do not care.

Ms. Johnson-Hoy felt that they would do what they want anyway.

Council Member Carlson stated that the petition is helpful but not showing up says they had other priorities and this is not as important.

Ms. Johnson-Hoy responded that she has been telling people to attend.

Council Member Carlson remarked that Mr. Torkelson has been respectful, while some comments in letters in the packet are quite disrespectful, and that not showing up does not show commitment.

Peter Erickson approached the podium and addressed the Council. He said that he was never legally notified about this amendment, and presented a notice to the City, which he read aloud before giving to City Attorney Noe.

Council Member Sample asked about his concerns regarding the location of property lines.

Mr. Erickson responded that no markers were found.

Council Member Sample wondered if a registered land surveyor came out to find them.

Mr. Erickson responded that he was not sure if the surveyor was registered or not, but that no markers have been found, and he fails to see how the original survey could be correct without those. He felt that he should not have to pay to protect his property line from someone else's surveyor.

City Administrator Wayman called Community Planner Durant and Public Works Utility Supervisor Jones to the podium, asking them whether a survey is required by the City's engineers.

Community Planner Durant replied that, when the building inspector goes out to determine the setbacks, he needs to be satisfied that he knows where corners are.

City Attorney Noe noted that the Council does not have the ability to make decisions on boundary lines; Superior Court has jurisdiction over that.

Mr. Torkelson stated that the property was surveyed in 2011 by PLSA.

City Administrator Wayman asked if it was on file.

Mr. Torkelson replied in the affirmative, adding that he was going to call them out to place pins again, and he is more than happy to do so. He remarked that some of the problems he has been having with the

Growing Selah Responsibly group is a lot of slander. He presented an affidavit signed by a renter regarding Shirley Johnson-Hoy, who warned the renter about himself. He requested that they play fair, be nice to each other, and make sure things are right. He said that the renters are a young couple new to the area, and so disturbed that they called his office and wanted to share this information.

Council Member Carlson agreed with him, saying that is why he asked about the petition signatures.

Mr. Torkelson asked how many signatures there were.

Council Member Tierney responded that there were thirty-seven, of which approximately eleven were from neighbors.

Mayor Raymond closed the Public Hearing.

Council took a five-minute recess.

K. New Business **None**

L. Old Business **None**

M. Resolutions **None**

N. Ordinances

1. Ordinance adopting 2005 Selah Urban Growth Area Comprehensive Plan Amendment 2015-1 (Carl & Candi Torkelson) as recommended by the City of Selah Planning Commission

Community Planner Durant addressed N – 1. He said that this is the amendment for the hearing just held.

**Council Member Tierney moved, and Council Member Sample seconded, to approve the Ordinance adopting 2005 Selah Urban Growth Area Comprehensive Plan Amendment 2015-1 (Carl & Candi Torkelson) as recommended by the City of Selah Planning Commission.**

Council Member Sample said that he has sat through a great many meetings, hearing comments between Mr. Torkelson and his opponents over various properties, and has wondered if there would be comments if it were not one of his projects. He went on to say that, they have talked many times before about wanting to see higher density on the main roads, and that he doesn't see this as a great change in the area; it will not overload the school district or the sewer system.

Council Member Carlson remarked that his response would be the same regardless of who presented it; he is very black and white.

Council Member Tierney commented that they have a Planning Commission to do the research and take the necessary action to provide Council with the materials they need to make an informed decision, and that he trusts their recommendation.

Council Member Bell agreed with the comments by his fellow Council Members.

**Roll was called: Council Member Tierney – yes; Council Member Sample – yes; Council Member Ritchie – yes; Council Member Bell – yes; Council Member Underwood – recused; Council Member Carlson – yes. Motion passed with five yes votes and one recusal.**

**Council Member Underwood rejoined the meeting.**

2. Ordinance Amending Section 6.46.020 of the Selah Municipal Code, “City Parks – Infractions and Penalties” to Permit Alcohol Consumption in City Parks and Facilities for City Sponsored Events; Establishing an Effective Date; and, Providing for Severability

City Attorney Noe addressed N – 2. He said that this Ordinance follows the discussion Council had last meeting regarding the expansion of the Fall Festival to include wine and beer tasting at city parks, as the current Ordinance prohibits alcohol at city parks.

Council Member Ritchie commented that she does not have a problem with the specific event they talked about last time, but she has an issue with the Ordinance and what is a City-sponsored event.

City Administrator Wayman told her that at some point she going to have to trust that the Mayor and the City Administrator will not have a free-for-all. He stated that this Ordinance is to be used for City-sponsored events, which currently consist of the 4th of July event and the Autumn Festival; the intent for both is to establish a cordoned beer garden and wine tasting area with no spirits, but they didn't eliminate spirits because they want to have the possibility to serve spirits at other City-sponsored events in the future. He remarked that they have no intention of selling alcohol at an athletic event of any sort, and that they view this as an experiment. He noted that the Mayor's authority would be exercised on all of the events.

Council Member Tierney expressed concern regarding alcohol being possessed and consumed within a City event, asking what they would do if someone brings in alcohol.

Mayor Raymond replied that he would be asked to leave.

Council Member Tierney wondered if they should clarify that.

Council Member Ritchie suggested adding that this is subject to additional rules as set forth by the City.

City Attorney Noe said that he could draft language to address that issue.

City Administrator Wayman reiterated that it would be only City authorized sales, which can be worked into the language.

Council Member Ritchie understood the intent but wanted it reflected in plain language in the statute.

City Administrator Wayman responded that there is a limit to where they can go with this, noting that there is already an alcohol consumption issue based on the cleanup after last year's events, and that this will contain it in one area and provide an outlet for folks to purchase wine and beer.

Council Member Bell asked if it would not be easier to say if possessed and consumed in a designated area; that way people outside it are outside the allowed Ordinance.

Council Member Carlson remarked that he pushed this issue at the last meeting, and that he agreed with the comments made regarding clarification to allow us to govern it better.

Council Member Bell inquired if there was an urgency to pass this tonight.

City Administrator Wayman replied that they are in a time crunch with regard to the planning cycle for the Fall Festival. He added that they want to start contacting potential vendors.

Recreation Manager Mullen said that postponing for two weeks would not hurt the event. They are looking at getting behind the curve for each event, and ramping it up pretty big right now for the race.

Kathryn Platt approached the podium and addressed the Council. She agreed that a delay of two weeks was fine, but added that beyond that would not be good. She stated that some wineries she has looked at are already booked out. She spoke briefly about her involvement with the Prosser wine and food fair from 1984-2006, which started with a brainstorm just like this, mentioning the Moxee hops festival as well.

City Administrator Wayman commented that the race has the potential to pull in upwards of a thousand runners alone.

Ms. Platt felt they should take advantage of the established event to expand and grow.

Council Member Sample asked if there would be beer.

City Administrator Wayman replied that he hopes to have a craft beer competition and a winery competition with a people's choice award.

Council Member Sample wondered if people could get a Budweiser.

City Administrator Wayman responded that they can offer a venue for TNT or Pastime to set up a kiosk, but they will need a thorough briefing for servers in the beer garden.

Council Member Sample wondered about limiting, saying that he has never gone to a crab feed at the Civic Center where they did not have beer.

City Administrator Wayman replied that it is a facility, with a different set of rules.

Council Member Underwood said that the Park Board members were upset about not being involved in this. Dan Smith, from the Selah School District, was adamant about alcohol not being there, while Eric Neumeyer was swayed when he found out where it would be. She felt that it needs to be the furthest distance possible from the schools.

City Administrator Wayman responded that they are looking at site options at Carlon Park, and will not get close to school property.

Council Member Carlson liked the comment about keeping it away from schools, adding that he supports this because there will be money from sales to pay for regulation of consumption.

Council Member Underwood remarked that they should also look at changing other items in the code regarding parks.

Council Member Ritchie reiterated that she would feel more comfortable with the Ordinance if it was defined as City-sponsored events, as City events could be sports events and other such events.

City Attorney Noe suggested adding language that the events are as established by Resolution. He read aloud the changes to the Ordinance, based on remarks from Council.

**Council Member Tierney moved, and Council Member Carlson seconded, to approve the Ordinance Amending Section 6.46.020 of the Selah Municipal Code, “City Parks – Infractions and Penalties” to Permit Alcohol Consumption in City Parks and Facilities for City Sponsored Events; Establishing an Effective Date; and, Providing for Severability, with the modifications read aloud by City Attorney Noe. Roll was called: Council Member Tierney – yes; Council Member Sample – yes; Council Member Ritchie – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

3. Ordinance of the City of Selah, Washington, amending Selah Municipal Code Chapter 6.58 by adding a new Section 6.58.065 relating to attractive nuisances

City Attorney Noe addressed N – 3. He said that this came up because, unlike other cities, they did not have anything in the code specifically regarding large appliances, so he put together language to amend the nuisance code regarding attractive nuisances.

**Council Member Ritchie moved, and Council Member Sample seconded, to approve the Ordinance of the City of Selah, Washington, amending Selah Municipal Code Chapter 6.58 by adding a new Section 6.58.065 relating to attractive nuisances. Roll was called: Council Member Tierney – yes; Council Member Sample – yes; Council Member Ritchie – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

4. Ordinance Amending the 2016 Budget for Miscellaneous Adjustments

Clerk/Treasurer Novobielski addressed N – 4. He said that he met with the Finance Committee in January to share the final results of 2015, noting that the ending cash and investments were more than anticipated. He reviewed the budget adjustment line by line.

City Administrator Wayman commented that there have been major expenses going into the Civic Center, and that he will be coming to Council later with information on renovation versus a new facility.

**Council Member Tierney moved, and Council Member Ritchie seconded, to approve the Ordinance Amending the 2016 Budget for Miscellaneous Adjustments. Roll was called: Council Member Tierney – yes; Council Member Sample – yes; Council Member Ritchie – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

O. Reports/Announcements

1. Mayor

Mayor Raymond had no report.

2. Council Members

Council Member Ritchie had no report.

Council Member Sample had no report.

Council Member Tierney reminded his fellow Council Members to fill out their F-1 form for the Public Disclosure Commission.

Council Member Bell had no report.

Council Member Underwood said that she is enjoying her position on the Parks Board, and felt that they should keep abreast of what is happening with City parks.

Council Member Carlson welcomed City Planner Bedi to the best city in Washington. He talked about a meeting he attended with Tree Top and a pie company in Spokane, where the owner of the company asked why Washington does not have a state pie. He said that he contacted the legislature to have this planned for the upcoming legislation, saying that this could be an asset to Selah, as they are looking to designate the apple pie as the official pie of Washington.

3. Department

City Administrator Wayman presented City Planner Bedi to the Council.

City Planner Bedi thanked City Administrator Wayman for giving him the opportunity to be part of this dynamic and progressive community. He said he is committed to making the City more livable and

harmonious, and is looking forward to working with each and every one to make this the best place to live, work, play, and invest.

Community Planner Durant noted that the Planning Commission would be holding a study session with YVCOG next Tuesday at 5:30pm.

City Administrator Wayman talked about the new RCW regarding family daycare providing facility zoning, saying that the City will need to adjust their zoning to allow for home daycare, for up to twelve children, in a low-density single-family environment.

Community Planner Durant commented that they had to go through a Class II review previously.

City Administrator Wayman said that there will be requirements from both the State and the City, including fire and code inspections, ADA requirements, and adequate parking for drop off, and that anyone applying will need to have a package from the State with proper approvals. He noted that it would still be a requirement to notify neighbors, and that the residence will need to be a home they reside in.

Civic Center Manager Tait said that they have the turkey feed Friday night and the Kiwanis crab feed Saturday.

Human Resources Manager Potter said that, after conducting interviews for the Recreation Manager position, it was extended to Dave Mullen, and they then used that pool of applicants to hold interviews to replace his position as Recreation Coordinator.

Council Member Ritchie inquired about the court clerk position.

Human Resources Manager Potter responded that he received seventeen applications, and they have six interviews scheduled for Friday.

City Administrator Wayman remarked that the individual chosen by the judge would go through a background investigation.

Public Works Utility Supervisor Jones said that most of the parks are open, with a tournament scheduled for this weekend. He went on to say that the Treatment Plant is halfway through phase one of two phases of improvements, and he attended a preconstruction meeting this week for the water project, which is projected to start on the twenty-first, with detours over the next six to eight weeks.

Recreation Manager Mullen thanked City Administrator Wayman for giving him the opportunity to lead the recreation department, saying that they are busy as usual with soccer starting that weekend. He thanked the Selah Club Lacrosse for assisting with repairs to Lince field.

City Administrator Wayman asked if there have been any changes in the flooding situation.

Recreation Manager Mullen explained to Council that he has experience in emergency operation centers within the Air Force, telling them that the County is currently in stage 2 due to flooding out near

Ahtanum and Powerhouse. He added that the next update from the Emergency Operations Center (EOC) will be between six and eight am the next morning, and that they are discussing full activation due to flooding.

Council Member Underwood wondered if he would take the Mayor's place in an emergency.

Recreation Manager Mullen responded that, if the emergency operations center is activated, he would work with the EOC as liaison and also to the Yakima Training Center.

City Administrator Wayman remarked that he would represent the City at the County level, and if need be we would setup our own emergency operations center. He noted that Civic Center Manager Tait is also receiving training.

Police Chief Hayes said that the new officer is about a week out from being released on his own, the citizens' academy is going well, and he will have a yearend report within the next two weeks.

City Administrator Wayman commented that they would be doing more parking enforcement, without showing favoritism, advising Council that they are likely to get complaints from citizens on this.

Clerk/Treasurer Novobielski spoke about a utility issue with the facility next door to City Hall, as they are in arrears with their payments. He spoke to the bookkeeper last Thursday, letting them know that he would be discussing the matter with Council if they were still in arrears by the meeting. He noted that they have received partial payment, but there is still a balance owing, and that he would be discussing options with the City attorney.

City Administrator Wayman noted that the purpose of this exercise is a public announcement that we promised we would make if they did not rectify the situation, as their belief is that, if the nursing home cannot pay their water bill then what other corners are they cutting. He added that they will notify all controlling entities with regulatory authority over nursing homes and will go forward with counsel from City Attorney Noe on how to deal with this issue.

Council Member Underwood asked if they were a company or corporation.

Clerk/Treasurer Novobielski responded that he would be surprised if they were not an LLC or something.

Council Member Underwood expressed her concern over the matter.

Clerk/Treasurer Novobielski commented that his concern is to ensure that they treat city customers in a fair and equitable fashion, and that he hopes to have an update in the next forty-eight hours.

City Attorney Noe had no report.

City Administrator Wayman said that he would have the excusal procedures in writing sometime before the next meeting. He said that he will be attending a Funders Forum in Grandview tomorrow, and will have a meeting with the funding source for Volunteer Park to ask for an extension on the project, as they

cannot break ground within the next thirty days due to the soil sample survey. He went on to say that the City will hire an environmental engineer to assist with mitigation for the elevated levels of arsenic, with the funding coming from the Solid Waste Management Reserve Fund, and that he will be coming to Council with an explanation and request for funding when they have a grasp of the depth of the project.

Council Member Underwood asked if the SEPA is available where people can look at it.

Community Planner Durant replied in the affirmative, adding that an individual would need to make a public records request to view the documentation.

Council Member Carlson inquired about a time frame.

City Administrator Wayman responded that he does not have one yet.

Council Member Tierney wondered if the State funding is in jeopardy.

City Administrator Wayman replied that it would be if they did not have soil sample problems, adding that it is important for the City to communicate with them regarding the soil contamination.

Council took a five-minute recess.

4. Boards **None**

P. Executive Session

1. 30 Minute Session – Potential Litigation RCW 42.30.110 (1) (I)

Council went into Executive Session at 7:52pm. At 8:22pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

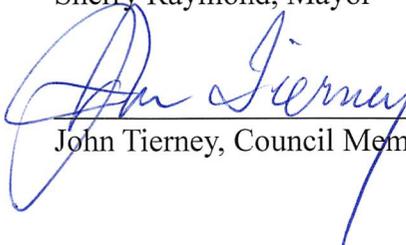
Q. Adjournment

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

The meeting adjourned at 8:22 pm.

  
\_\_\_\_\_  
Paul Overby, Council Member

  
\_\_\_\_\_  
Sherry Raymond, Mayor

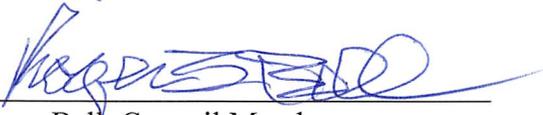
  
\_\_\_\_\_  
John Tierney, Council Member



Roy Sample, Council Member



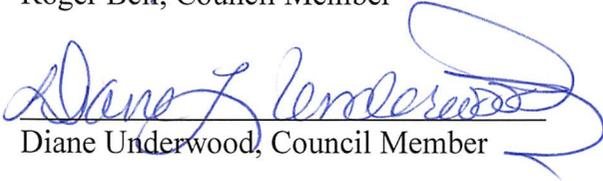
Laura Ritchie, Council Member



Roger Bell, Council Member

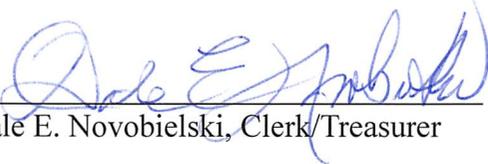


Russell Carlson, Council Member



Diane Underwood, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer