

Study Session Minutes  
Selah City Council  
May 26, 2015  
5:30pm

Mayor Gawlik opened the Study Session.

Hearing Examiner Patrick Spurgin addressed the Council. He introduced himself by saying that he is a lawyer, practicing since 1997, and that he specializes in municipal law and has had a contract with the City as Hearing Examiner since 2002. He said that he provides similar services to several communities in the Yakima Valley including Sunnyside, Zillah, Yakima, and the Yakama Nation. He remarked that his primary responsibility is to provide due process by listening to staff, applicants, and citizens and to encourage fairness through a quasi-judicial process, and that each municipality should craft their ordinances to benefit their community

He continued by explaining the history and purpose behind the Planned Development Code. He said it provided a policy to address unique situations. He suggested that although it wasn't required it was an important piece of the overall zoning codes. He said that one generally wants predictability in zoning codes but the Planned Development was created to allow for more flexibility.

He acknowledged that the City of Selah may be repealing 10.24 with the intention of rewriting it to address the needs of the community. The Council asked several questions about improving the Planned Development (PD) Code, which he addressed. He said that specific standards can be helpful, and that definitions should be very clear, but when one places too many standards on Zoning Ordinances they limit the applicants' freedom. He said that a city needs to have clear policies and good judgment.

He next discussed policy changes in general and encouraged that broad, sweeping, policy changes should include public input but that minor technical changes may not. He suggested that although one cannot always satisfy everyone, quality public input is a driving force for community satisfaction. He opined that the process benefits greatly from public participation and encouraged the City to use it.

The Council thanked him for his input and asked if he could review a PD rewrite before it was approved. He agreed that he could review the proposed Ordinance, but that Hearing Examiners should not be very hands on throughout the policy process. He suggested that both Association of Washington Cities and the Municipal Services Research Center would be good resources to use throughout the policy making process.

The Study Session ended at 6:17pm.

City of Selah  
Council Minutes  
May 26, 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: John Tierney; Dave Smeback; Allen Schmid; Roy Sample; Jane Williams

Members Excused: Paul Overby

Staff Present: Don Wayman, City Administrator; Bob Noe, City Attorney; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Dale Novobielski, Clerk/Treasurer; Charles Brown, Recreation Manager; Tom Durant, Community Planner; Andrew Potter, Assistant to the City Administrator

C. Pledge of Allegiance

Council Member Schmid led the Pledge of Allegiance. Pastor Brad Hill gave the prayer.

D. Agenda Changes

Mayor Gawlik added a 15 minute executive session under P-1 to discuss real estate matters.

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

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

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Carl Torkelson approached the podium and addressed the Council. He inquired about agenda item N – 1, explaining that he has two projects underway which were approved as planned developments. He asked

if there were any assurances to guarantee that his two projects would be vested. He felt that the repeal should be handled through a work order and not a withdrawal of Ordinance 10.24.

City Attorney Noe noted that there was clause in the repeal for vested projects. He explained that they were intending to repeal so that there would be a window with no applications.

Mr. Torkelson stated that he and Council Member Sample were essentially the only developers to use planned developments and that he was concerned about the legal process to rewrite the municipal code.

City Administrator Wayman acknowledged that there was a clause for ongoing projects to be vested under the previous municipal code and that the repeal would not disturb any of Mr. Torkelson's ongoing projects.

Mr. Torkelson further inquired whether his properties would be vested.

City Attorney Noe acknowledged that they would be.

City Administrator Wayman assured him that they were.

Diane Underwood approached the podium and addressed the Council. She expressed concern that many of the newer developments were not handicap accessible and that the height of some of the buildings allowed people to look into a person's window. She also expressed concern about some of the homes on 10<sup>th</sup> Avenue and felt that she would not want to raise a child there that these developments did not match the rest of the city. She expressed disappointment in the City Council.

Wayne Worby approached the podium and addressed the Council. He inquired whether the members in the audience would be allowed to address agenda item N – 1, seeing as Mr. Torkelson spoke to an item that was on the agenda.

Mayor Gawlik stated that he would allow the Council to decide.

Council Member Schmid stated that this was not a public hearing but a legislative process and that the best time for the citizens to make their comments would be during public meetings in relation to the rewrite of the planned development. He also said that Council was repealing the Ordinance in order to give the public an opportunity to comment.

Council Member Williams observed that Mr. Torkelson was allowed to speak on the subject, and felt that other citizens should be allowed to make public comment.

Council Member Smeback felt that, although many people were there to speak at the Council Meeting, they should do it during the ninety day review period. He said that their comments should be made during other public meetings.

Council Member Tierney echoed Council Member Smeback's remarks, saying that this is not a public hearing, but a decision to repeal so that the Planning Commission and other citizens can take action

during the review process. He noted that he was not opposed to them being allowed to speak during the Council Meeting.

Council Member Sample said he had no problems with citizens speaking but that what they said during this meeting may be forgotten if it is not shared at public meetings during the review process.

Mayor Gawlik stated that they would allow public comment during agenda item N-1.

Shirley Johnson-Hoy approached the podium and addressed the council. Ms. Johnson-Hoy opined that whoever was writing the new code should receive more input from the community and that developers should exclude themselves from the process.

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

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|----|-----------------------------|-------------|
| 2. | Written                     | <b>None</b> |
| H. | Proclamations/Announcements | <b>None</b> |
| I. | Consent Agenda              |             |

Assistant to the City Administrator Potter read the Consent Agenda.

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

- \* 1. Approval of Minutes: Approval of Minutes: May 12, 2015 Study Session & Council Meeting
- \* 2. Approval of Claims & Payroll:  

Payroll Checks Nos. 78568 – 78604 for a total of \$174,433.78  
Claim Checks Nos. 65811 – 65890 for a total of \$185,221.21
- \* 3. Resolution M – 2: Resolution establishing June 9, 2015 as the Date to Conduct a Public Hearing to consider the Six Year Transportation Improvement Program for the Years 2016 to 2021.
- \* 4. Resolution M – 3: Resolution Authorizing the Mayor to accept the Drinking Water State Revolving Fund Program (DWSRF) Loan Number DM12-952-093 Project Completion Amendment as Certified and Complete.

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

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|----|-----------------|-------------|
| J. | Public Hearings | <b>None</b> |
| K. | New Business    | <b>None</b> |

L. Old Business **None**

M. Resolutions

1. Resolution Authorizing the Mayor to approve Task Order 2015-3 between the City of Selah and Huibregtse, Louman Associates, Inc. for Water Telemetry System Upgrades

Public Works Director Henne addressed M – 1. He explained that the City currently has a manual telemetry system for its three deep water wells, two artesian wells, and backup wells. He said that Public Works would like to set up an automatic system that would help to manage the city’s water rights and usage. He referred to the contract in the packets, referencing sections A – G to describe the services Huibregtse, Louman Associates, Inc. (HLA) would render. He explained that the wells can only be manually turned on or off at present, and reminded Council that this contract had been planned into the budget.

Mayor Gawlik inquired whether this update will help with water conservation if the City is effected by the drought.

Public Works Director Henne replied that it would have some effect, although there wasn’t much of a drought problem for the City’s wells. He noted that the telemetry system will give them more fine-tuned control and will enhance pumping performance.

Council Member Tierney questioned whether, because of the declared drought, if there were any State funds that could be pursued.

Public Works Director Henne responded that there weren’t any he was aware of. He emphasized that this project wasn’t actually related to water conservation, but dealt with water rights compliance. He said that in day to day operations they may exceed their water rights and this system would help fix that.

Council Member Williams asked whether an employee was currently required to visit each site.

Public Works Director Henne replied that there’s a screen that shows the level of the reservoir and tracks all the information for that well, as well as a security device for each well. He added that the telemetry system would simply allow them more control.

Council Member Williams wondered whether each well was restricted to a specific area.

Council Works Director Henne indicated that they are restricted and have to have certification to operate their wells.

**Council Member Schmid moved, and Council Member Smeback seconded, to approve the Resolution Authorizing the Mayor to approve Task Order 2015-3 between the City of Selah and Huibregtse, Louman Associates, Inc. for Water Telemetry System Upgrades. Roll was called: Council Member Tierney – yes; Council Member Smeback –yes; Council Member Schmid – yes;**

**Council Member Sample – yes; Council Member Williams – yes. By voice vote approval was unanimous.**

- \* 2. Resolution establishing June 9, 2015 as the Date to Conduct a Public Hearing to consider the Six Year Transportation Improvement Program for the Years 2016 to 2021
- \* 3. Resolution Authorizing the Mayor to accept the Drinking Water State Revolving Fund Program (DWSRF) Loan Number DM12-952-093 Project Completion Amendment as Certified and Complete

N. Ordinances

1. Ordinance Repealing Chapter 10.24, to the Selah Municipal Code, “Planned Development (PD) Zoning District”; Directing a Work Program; Addressing Vesting; Establishing an Effective Date; and, Providing for Severability

Mayor Gawlik indicated that they would allow public comment on the matter, noting that he retained that privilege of limiting peoples’ comment period. He asks anyone who wishes to speak to not repeat what may have already been shared.

City Administrator Wayman addressed N – 1. He shared that he has discussed the topic of Planned Developments with community developers, the City Council, and staff, and he feels that there is a consensus to repeal Municipal Code 10.24. He said that this is a challenging Ordinance to deal with, that it needs to be clearly defined, and that by going through the re-writing process the community can give their input of planned developments while formulating a policy that will still allow for diversity in housing.

City Planner Durant explained that N – 1 would repeal Municipal Code 10.24 and put a work program into place to revise said code. He reiterated that the ambiguity of the code has caused challenges in the past, for both citizens and developers. He said once the notice is published it will commence a five day window in which applications can be submitted following the previous Code. He went on to say that projects submitted within that window will be vested under the previous Code, along with all other applications that have previously been submitted, and that at the end of the five day period the City will start a rewrite process, which will include opportunities for public prior to being submitted to the Planning Commission. He noted that the Planning Commission has ninety days to bring a proposal before the City Council.

Council Member Smeback asked how he has time to work on this project.

City Planner Durant replied that most of the backlog that existed has been taken care of, and by continuing his current level of work he will be able to assist with this revision.

Council Member Smeback inquired whether the Planning Commission had been made aware of this process.

City Administrator Wayman stated that he and Mayor Gawlik intended to hire a company to write the first draft, based on the City's recommendations. He further explained that City Planner Durant will still be helping with the project but it will not take excessive amounts of his time.

Mayor Gawlik remarked that the time frame could be extended if they were unable to complete the revision within ninety days.

City Attorney Noe advised that, although the ninety day period could be extended, the City should work to file it in proper fashion. He admitted that numerous public meetings could potentially delay progress.

Council Member Smeback felt that this would be a great opportunity to educate the public about the process of policy creation and to see how the City's Ordinances compare to those from other jurisdictions.

City Administrator Wayman encouraged open communication with the public throughout the entire process.

Mayor Gawlik stated that, before a vote will be taken, the audience would be allowed to speak.

Council Member Williams inquired when the Ordinance will be published.

Clerk/Treasurer Novobielski replied that it may be published as early as Thursday.

Katy Fontaine approached the podium and addressed the Council. She requested that Council speak into the microphones so that everyone in the audience could hear. She said she was grateful the City was willing to look over, rewrite, and adjust the code to keep Selah growing, and that she hopes objectively minded people who are not developers will be invited to participate.

Wayne Worby approached the podium and addressed the Council. He commended the City for choosing to amend the Municipal Code, acknowledging that, as the Code is being revised, there are many aspects that will need to be addressed. He stated that the City will need to solicit public input to insure that citizens are satisfied with the completed project, and that the Planning Commission has a very challenging job to understand the Ordinance and draft the language of the revision. He suggested having a committee of citizens draft the language and then move it through the Planning Commission to council. He said that this is a huge undertaking in ninety days and that there will need to be several public meetings, preferably in the evenings, so that citizens can attend. He suggested that several people on the Planning Commission, including Mr. Torkelson, not be included in the revision process.

James Hannah approached the podium and addressed the Council. He commended the Council for taking on a difficult task, even though he didn't think the final product could ultimately appease all parties, and expressed how vital it would be to the success of the revision for everyone to be able to give their input and maintain the appearance of fairness. He suggested that any other course should be seriously avoided.

Diane Underwood approached the podium and addressed the Council. She inquired if all the people who were going to be involved have already been selected and if they have a sincere interest in this position. She formally submitted her name to be part of the process.

Council Member Tierney inquired of City Attorney Noe whether the law would allow a citizen group to draft some of the changes or if the Planning Commission must do all the work.

City Attorney Noe responded that the Planning Commission was required to make the proposal to Council, but they may use as much community input as they would like.

Mayor Gawlik commented that the Planning Commission would not be the only group working on this project; staff and possibly an outside advisory group would also be involved. He reassured the public that the process would be kept open, fair, and transparent.

Council Member Schmid said that the City Administrator will be hiring a group to write the first draft; City staff and public will be involved in the review process. He also reassured the public that the City is just starting the process and that there will be time for public comment.

City Administrator Wayman said that he will put together a plan of action and milestones, and publish it on the website so that all parties would be apprised of the process.

Council Member Sample clarified that the rewrite of Chapter 10.24 is because of inconsistencies in its language, but any property that is already built or vested would not change. He also said that the City would not be changing all of any of the zoning Ordinances or any other portion of the Municipal Code related to development, just the planned development portion.

Mr. Worby said that publishing a timeline would ensure that citizens could be part of the process. He inquired if there was a specific vision about when the public would be invited to be involved.

City Planner Durant responded that there was room for public input in an advisory manner, and that the City will be presenting this to the public. He suggested that there could be a small group of citizens to act as an advisory committee, stating that the City will need public input before going to the Planning Commission.

**Council Member Tierney moved, and Council Member Schmid seconded, to approve the Ordinance Repealing Chapter 10.24, to the Selah Municipal Code, “Planned Development (PD) Zoning District”; Directing a Work Program; Addressing Vesting; Establishing an Effective Date; and, Providing for Severability. Roll was called: Council Member Tierney – yes; Council Member Smeback –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote approval was unanimous.**

O. Reports/Announcements

1. Mayor

Mayor Gawlik thanked to the staff Citywide for their work with Community Days and with the rain cleanup. He reminded the public about the Sunrise Selah Meet & Greet, and that applications for the vacant council position were open until Friday, May 29<sup>th</sup>.

## 2. Council Members

Council Member Sample had no report.

Council Member Tierney complemented the staff on a job well done with Community Days.

Council Member Smeback expressed a job well done to public works for Community Days and the street cleanup.

Council Member Williams had no report.

Council Member Schmid reminded those in attendance about the AA Washington State Softball Tournament that would be held this weekend in Selah.

## 3. Departmental

Public Works Director Henne said that the town was cleaned up for Community Days, then it had to be re-cleaned after the rainstorms. He passed out information he had compiled regarding the drought conditions in the State this year, saying that the drought was mostly affecting farmers and fish in the streams. He referred to the handout for information regarding the condition of the City's wells, noting that the information from drawdowns show that they haven't been noticeably affected to date. He added that Public Works has put some information on the website regarding water conservation.

Council Member Tierney asked if the City has junior or senior water rights.

Public Works Director Henne responded that those types of water rights do not apply to the City, but that they have specific water rights they cannot exceed.

Council Member Tierney wondered what would happen if they had to cut the water usage by thirty percent.

Public Works Director Henne replied that it would have a significant impact on the water budget, and they may have to limit water use or watering systems.

Council Member Sample inquired if the City has encouraged dry landscaping

Public Works Director Henne said that when people come into Public Works that they are encouraged to do so.

Clerk/Treasurer Novobielski provided an update on sales tax revenues to date, noting that this year's number are higher than last year. He stated that we have collected fifty of the budget estimate in five months and that they may have underestimated the yearly revenues by approximately \$50,000.

Community Planner Durant stated that the County is asking about the City's projected population growth and their satisfaction with the urban growth area in relation to the County Comprehensive Plan update.

Council Member Sample inquired if the update was a Planning Commission responsibility.

Community Planner Durant responded that it was, but that City staff and the Council should be considering it as well, as the urban growth boundary and population densities are all part of what is required by the Growth Management Act.

Council Member Williams reminded her fellow Council Members that the Yakima Valley Conference of Governments (YVCOG) is doing the initial Comprehensive Plan update.

Recreation Manager Brown passed out a packet of material regarding the progress of the pool. He said the handout contained three options that the design committee had assembled. He commented that the Selah Park & Recreation Service Area Board (SPRSA) approved a pool audit, which would give pricing for these three options, and that the public would be allowed a time to comment before a bond is placed on the ballot in November.

Council Member Schmid inquired if the indoor pool designated as part of option two was the same size as the Yakima Athletic Club pool.

Recreation Manager Brown responded in the affirmative.

Mayor Gawlik asked if there would be time to present this to the public.

Recreation Manager Brown replied that there will be many opportunities for the public to provide feedback.

Mayor Gawlik emphasized that they need to have as much input as possible.

Council Member Tierney asked if the indoor/outdoor pool will be open the whole year for the public and the school.

Recreation Manager Brown responded in the affirmative.

Mayor Gawlik remarked that placing a dome over one of the pools would increase the price.

Council Member Williams noted that, at the last SPRSA meeting, they had talked about holding some public meetings.

Recreation Manager Brown said that they will collect as much information as they can.

Council Member Williams welcomed the public to attend any of the SPRSA meetings.

Recreation Manager Brown added that those meetings are held the 3<sup>rd</sup> Monday of every month at the Civic Center. He outlined the events that would take place for the AA softball tournament this weekend.

Fire Chief Hanna said that the weekend was very busy, and that they are seeing back to back calls more frequently. He noted that the dry landscaping around the Fire Station is complete, which will conserve water, but they need to use some water for practice nights. He stated that, after attending the Washington State Fire Chief's Conference, they are implementing some things that were learned and trying to address the dangers of cancer with fire employees and how to mitigate their risks.

Police Chief Hayes said that things went well at Community Days, and that the call volume was lower than normal for Memorial Day weekend.

City Administrator Wayman had no report.

City Attorney Noe had no report.

4. Boards

- a. Lodging Tax Advisory Committee – February 23, 2015

Council took a ten minute recess.

P. Executive Session

1. 15 Minute Session – Real Estate RCW 42.30.110(1)(c)

Council went into Executive Session at 8:20pm. At 8:35pm, Council went back on the record. Mayor Gawlik stated that they would be extending the Executive Session for an additional 25 minutes.

Council went back into Executive Session at 8:36pm. At 8:51pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Q. Adjournment

**Council Member Smeback moved, and Council Member Sample seconded, that the meeting be adjourned. Motion passed with three yes votes and two not votes.**

The meeting adjourned at 8:52pm.

  
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John Gawlik, Mayor

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EXCUSED  
Paul Overby, Council Member

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



Dave Smeback, Council Member

Allen Schmid, Council Member



Roy Sample, Council Member



Jane Williams, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer