

City of Selah
Council Minutes
November 24, 2009

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

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

B. Roll Call

Members Present: Paul Overby, John Tierney, Summer Derrey, Kevin Jorgensen,
Dave Smeback, Keith Larson

Members Excused: Denise Nichols

Staff Present: Bob Noe, City Attorney; Gary Hanna, Deputy Fire Chief; Joe
Henne, Public Works Director; Dennis Davison, Community
Planner, Jeff Hagler, Parks & Recreation Director; Dale
Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilman Smeback led the Pledge of Allegiance. Pastor Daniel Burrow led the group in prayer.

D. Agenda Changes

Mayor Jones announced that items M-7 and M-8 would be added to the agenda.

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. Letter From Scott Pool, President of the Selah Valley Lions Club

H. Proclamations/Announcements

I. Consent Agenda

Councilmember Derry moved that Item M-2 be removed from the Consent Agenda. Councilmember Overby seconded. By voice vote, support was unanimous.

Mayor Jones read the Consent Agenda as amended.

- * 1. Approval of Minutes: Council Meeting November 24, 2009
- * 2. Approval of Claims & Payroll
 - Claims Checks Nos. 55200 – 55200 for a total of \$ 207.70
 - Claims Checks Nos. 55201 – 55265 for a total of \$ 749,076.45

 - Payroll Checks Nos. 67144 – 67264 for a total of \$ 180,581.66
 - Payroll Checks Nos. 67265 – 67339 for a total of \$ 127,124.86
 - Payroll Checks Nos. 67340 – 67381 for a total of \$ 97,068.20
- *3. Resolution Approving Payment of Invoice Submitted by Eco-Northwest for Stormwater Education Services Provided under the Terms of their Professional Services Agreement with the City of Selah
- *4. Resolution Accepting Progress Estimate Number 3 on the Speyers Road Improvement Project
- *5. Resolution Accepting Progress Estimate Number 2 on the Well Number 8 Drilling, Casing, Testing and Pump Contract
- *6. Ordinance Establishing the Amount of Taxes To Be Levied upon Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2010

J. Public Hearings

- 1. Public Hearing To Consider Vacation of a Portion of Former Yakima Valley Transportation Company Railroad Right-of-Way Petitioned by the City of Selah

Community Planner Dennis Davison asked that the Council consider the vacation of a strip of land 150 feet long and 20 feet wide, formerly known as the Yakima Valley Transportation Company right-of-way. He explained that the property was deeded to the Yakima Valley Transportation in 1923, later Union Pacific acquired the transportation company, and when they abandoned service to Yakima, they deeded all their ownership to the City of Yakima. The City of Yakima then sold ownership to the City of Selah. There are no buried utilities in that Railroad right-of-way. He said that if this right-of-way is vacated, it will be upgraded into a parking lot, replacing the parking stalls which will be lost with the Wenas road project. He said that Public Works and the Planning Department recommend approval of the vacation with a couple of stipulations. The stipulations are that the Railroad right-of-way would be simultaneously merged with the abutting property located to the North and that the right-of-way would be simultaneously zoned general business (B-2), similar to the adjoining properties to the North. He said that if the Council had any questions, he'd be happy to entertain them.

Councilmember Larson asked if the highway upgrade 823 required that some right-of-way be gained from that parcel.

Mr. Davison replied that he doesn't know if they have physically acquired it yet, but that it is on the schedule to be acquired.

Mr. Larson asked if everyone is in agreement that they have no objections (to this proposal).

Mr. Davison said that as far as he knows, everyone is in agreement.

Mayor Jones opened the Public Hearing. When no one rose to speak for or against this item, he closed the Public Hearing.

K. New Business

1. Matson Fruit Urban Growth Area Comprehensive Plan and Industrial Zoning Map Amendments

Mayor Jones polled the Council, asking if they received the information regarding what will be discussed regarding the Matson Fruit Company Comprehensive Plan and Zoning Map Requirements in a timely manner and if anyone has had ex parte communication. All Council Members acknowledged that they received their information in a timely fashion and that they have had no ex parte communication.

Mayor Jones asked Community Planner Dennis Davison to briefly address this issue.

Community Planner Dennis Davison addressed the Council by saying that this item is a rezone and a comprehensive plan amendment proposed by Matson Fruit Company for 8.438 acres of a 14-acre parcel that they own on N. Wenas Road. He explained that this was brought before the Planning Commission in 2007. The Planning Commission recommended approval and it went to the City Council on December 11, 2007 where the Planning Commission recommendation was rejected. From there it went to Superior Court where it was remanded back because there was not a verbatim record of the proceedings. Mr. Davison stated that the Planning Commission then scheduled a public hearing for the summer of 2009. The Planning Commission again unanimously recommended approval for the rezone and comprehensive plan amendment, and now it has been transmitted to the Council for Council's consideration and final decision. Mr. Davison said that that the staff had recommended that the Comprehensive Plan Amendment and Rezone to industrial be denied for various reasons as set forth in the staff report.

Mr. Davison reviewed comments made by staff disagreeing with the findings prepared by the Planning Commission. He assured the Council that there is nothing new in the record, but merely staff's evaluation of where there were errors in the Planning Commission's evaluation of the Rezone/Comprehensive Plan Amendment process. They are as follow:

1. Existing Land Use and Zoning/Optimal Land Use The Commission did not adopt the staff's findings as to the existing use of zoning and land use designations. In essence, the Planning Commission indicated that it does not agree with the existing use, zoning and optimal land use designation of the subject and surrounding properties, as it currently exists.
2. Land Use Conditions The Planning Commission found that the proposal, including any actual use proposed as a part of the application, is compatible with the use, zoning and future use of adjacent land. Staff is concerned that if it is rezoned, particularly with no conditions or development agreement, that any permitted industrial use could be constructed on the property.
3. Comprehensive Plan Goals and Policies The Planning Commission found that the approval of the rezone will promote orderly growth. Staff is concerned that this rezone to industrial would be an encroachment into the "fledgling" commercial zoning district just to the West. That commercial area has flourished over the last few years, developed particularly in fast succession. Staff's concern is that a "Carte Blanche" rezone to the Matson

property and unknown uses that could be located on that property, there may be compatibility issues and would not promote the orderly growth of the area as envisioned in the comprehensive plan.

The Comprehensive Plan states that “land designations are established by recognizing existing commercial uses.” The opinion of staff is that the change of the designation and zoning designation would result in a disorderly growth pattern, would work against, and would be counterproductive to the growth that is actually taking place on site, which is the commercial development. Staff further believes that we need to keep this property viable as commercial uses. It is necessary to meet the continuing needs of the community to grow, and the existing commercial development pattern sets a tremendous precedent which indicates that the current comprehensive plan designation is working and no is error in the Future Land Use Map, once it is adopted.

Staff believes that the most controlling/compelling factor is the lack of evidence regarding the substantial change in circumstances. The record lacks that evidence, and the burden of evidence is upon the proponent. A change in ownership is not a substantial change in circumstances; property changes hands every day. A need to expand is not a change in circumstances. The community adopted Future Land Use Maps and the Zoning Map with the understanding that this how Selah would grow. The need to expand is driven by a market force, not a substantial change in land use policy.

Mr. Davison then concluded his presentation, asking the Council if they had any questions.

Mayor Jones asked Mr. Shinn to give his rebuttal and reminded him that he has only 5 minutes to make it.

Mr. Shinn addressed the Council, stating that he is appalled at what he has heard from Mr. Davison. He said that many prominent community and business leaders had expressed their support for the Matsons and their application. He pointed out that the Planning Commission unanimously supported the Comp Plan Amendment and Rezone both time the application came before them. He noted that no one spoke against that application at either Public Hearing.

Mr. Shinn said that over and over, he has heard the concern that, it would be possible if the rezone were to be approved that his client could put whatever they want on the property and not honor their word as far as what they said they would do with the property. He stated that, since November 2007, he has represented on behalf of the applicant that he and his client would enter into the development agreement and honor their promise that they would develop it as they said they would. They would put storage and a warehouse next to the railroad tracks, and an office building plus parking along South Park Drive. He said that the latter two uses are outright permitted in a commercial zone. His client just wants to have it zoned industrial to be consistent with the uses they are putting behind it. He said that he and his client stood ready in November, 2007, and they stand ready to today to enter into a development agreement to commit develop the property as they said they would. To put the buildings, to make uses of the property that we said we would. He said that the Council has the opportunity and has had the opportunity for two years to accept their application.

Mr. Shinn said that he believes that change of circumstances is the biggest argument the City has for denial, but suggested that irrelevant here because the Comprehensive Plan is in place. He said he presented a mountain of evidence on change of circumstances. Mr. Shinn urged the Council read the record in its entirety because it is a requirement of the quasi-judicial proceeding. He reminded the Council that they are judges in a quasi-judicial proceeding, and that, as judges, they make a decision based on the record, not policy.

Councilmember Overby stated that there have been a lot of references to a development agreement and he's seen a lot of interest in a development agreement. But this comes from the Planning Commission without the details of the development agreement. He said that when he read through the record, he could see that the Planning Commission was recommending general compliance with what was outlined in the charts. He asked if that is correct.

Mr. Davison acknowledged that this is correct.

Councilmember Overby added that what is a bit sticky are the details regarding where the trucks are going to access, how long they have to develop all these things. He asked if there has been any conversation regarding this. He said he is a little disturbed because the details of a development agreement are not included in the record.

Mr. Davison said that in the verbatim transcript, the Planning Commission discussed it for approximately 90 seconds to 2 minutes. The Planning Commission felt, as they put on the record, that a development agreement was not necessary, rather that the rezone and the Comprehensive Plan change should be approved. There are documents in the record that mention briefly, very briefly, a development agreement.

Mr. Shinn said that he strongly disagrees with Mr. Davison's statement.

Councilmember Overby said that the reason for his question is that this is a 14-acre parcel. The request is to rezone 8.34 acres. Right now, this is one complete parcel and the Matson Group is asking for part of that to be rezoned. Councilmember Overby said that he doesn't know exactly what part the property the 8.34 is going to be carved out for rezone, other than a map which doesn't have any bearing.

Mr. Davison answered that the map on his immediate right, the property and the portion that would be retained as commercial.

Mr. Shinn said that he respects Councilmember Overby's question. He said that the application designs the property that way, and they are bound by that application. He said that he and his client could not change the configuration of the property if they wanted to.

Councilmember Overby verified that the proponent could not sub-plat the property that is presently zoned commercial.

Mr. Shinn said that he cannot change the boundary between industrial and commercial. He said that this is how his client designed the application, and they are bound by it. He said that his client would like to create more commercial lots, but they would have to do it in a subsequent application.

Mayor Jones said that Councils come and Councils go. He asked Mr. Shinn what would happen if he and his client came back in eight years and said they need more storage and want to take in more of that commercial property.

Mr. Shinn stated that the City could provide that history. He stated that the City ordinance says that the City can approve, deny, re-map, or modify. He said that if the Mayor has such a concern about this, he can modify the application with the City which has the option of accepting the Matson's application conditioned upon the development agreement. The City can record it against the property, stating the authorized and unauthorized uses. The record can state that the conditions will be met regardless of whether Matson owns the property, whether they sell it, whether there are Council changes, it becomes a binding covenant. He said that if City accepts the application conditioned upon a development agreement, the development agreement would have to come again before the council in a public meeting, and at the public meeting it would be adopted. He invited the Council to use this option to alleviate any concerns.

Councilmember Tierney asked Mr. Shinn to clarify which property is Burlington Northern property.

Councilmember Overby asked Mr. Noe what would happen if the City and the proponent could not reach an agreement if the Council did approve of the rezone contingent upon the completion of a development agreement.

Mr. Noe answered that if the Council did condition approval on entering into a development agreement and an agreement cannot be reached, then the conditional approval would be essentially denied. He stated that, procedurally, the Council would want to put a time limit on the process so that the decision would revert back to denial if the two parties could not reach an agreement.

Mr. Shinn stated that he agrees with Mr. Noe.

Councilmember Tierney asked what would be a reasonable time period would be for this.

Mr. Noe answered that because some of the legwork has already been done, he thinks thirty days would be an appropriate period of time.

Mr. Shinn said he thinks that this is a reasonable period of time; however, he would like to see it done in twenty days.

Mayor Jones asked Mr. Noe what would happen if the City rejected the Matson's application now, could they then come back and do a development agreement, then move forward from there.

Mr. Noe answered that a rejection would trigger a twenty-one day appeal period under LUPA.

Mayor Jones asked if that would force everyone into the arena of twenty-one days where the parties would not have an open-ended time period to negotiate the terms of the agreement.

Mr. Shinn suggested that the City could also say it would reject the application in a specific amount of time if the parties could not reach an agreement.

Mayor Jones asked Mr. Noe if the City rejects the rezone application, if it would still have twenty-one days to reach a development agreement.

Mr. Noe answered that there is a twenty-one day period of time before a LUPA petition would need to be filed, but actually, the parties could reach a development agreement at any time. It could be done even after a lawsuit is filed. He said, however, that he doesn't know the kind of position the City would be in under these circumstances. He said that, at this point, both parties would be placing effort towards litigation as well as a development agreement.

Mr. Shinn agreed with this statement. He said it's his opinion that everyone would be much better off negotiating amicably rather than as adversaries.

Mayor Jones told Mr. Shinn that he doesn't think that the two parties need to be adversaries. He said that everyone is starting the process from ground zero.

Mr. Shinn said that if the City rejects his client's application, then his client would have to appeal, file a petition, pay a filing fee with the court, and serve the appeal. He said that everyone could accomplish the same ends by accepting his client's application conditioned upon entering into a development agreement within a reasonable period of time. He added that the City can pick the time.

City Supervisor Frank Sweet asked Mr. Noe if the City would be in a better or worse position, should the matter go to court, if the City had the intention of entering into a development agreement when arguing denial of the Matson's application.

Mr. Noe stated that he would rather not argue litigation strategies, but he has some concern that, if the City were to argue denial in court while making the assertion that it intended to enter into a development agreement, it may cause the court to believe that the City is not totally sure of its position.

Councilmember Jorgensen asked Mr. Noe if he also thinks it could be a demonstration of good faith if the City made the assertion that the development agreement is the only tool that the City was able to use to enable them to hold the Matsons to their agreement as far as how they would develop their property.

Mr. Noe said that he thinks Councilmember Jorgensen is correct. If the issue were framed that the application would be denied but for the development agreement, there would be a legal basis to deny the application but for the development agreement. Mr. Noe said that if the Council wanted to do this, they possibly could argue this, but his recommendation would be to continue the hearing while the parties come back with a development agreement.

Councilmember Overby asked if Mr. Noe was saying that the Council should table the issue and not make a decision.

Mr. Noe said if that was agreeable to the applicant, that would be his recommendation.

Mr. Shinn said that he would at least like to take it as far as whether the City would endorse his client's approach.

Councilmember Smeback said that the public needs to know that a lot of effort has been made by both the staff and the Matson Group to put together a compromise, and it is close. He said that the last thing he wants to see is more attorney time being used and allowing a judge to someday decide whether to approve or not. He said that if there is an easy way to extend the time so that more items can be hammered out, that would be the best way as far as he is concerned. He said that everyone has an issue with the application that they are concerned about, and for him, he is concerned about the truck and car traffic that could happen. He said that the idea of 50 to 100 trucks coming down Wenas, where there is no left turn lane, and turning onto Larson Drive, doing damage to the streets, would not be an option. He said that the idea of bringing the trucks onto South Park Drive would not be an option – anything North of Les Schwab. He said that the Department of Transportation has a plan to totally redo Railroad Avenue. He said that they want to put concrete all the way up to the Matson's door to handle the trucks. He said that the Department of Transportation wants to put up stop lights that will get trucks in and out of the intersection on N. Wenas, Naches and to the South. He said he would like to see the truck issues and other issues resolved and move forward.

Councilmember Jorgensen asked Mr. Noe what he thinks would be the best process for continuing the hearing and beginning to negotiate a development agreement.

Mr. Noe answered that he thinks the best process would be to ask the applicant to propose a development agreement. Once that is done, the staff would go through it and see if they agree to it. If everything can be ironed out at staff level, then the staff would set up a public hearing so that the matter could be brought before the Council. At the hearing, it would be possible for the council, staff and the applicant to talk about different aspects of it.

Councilmember Jorgensen asked if there are any other options that would allow the proponents to meet directly with the Council so that they may have an exchange of ideas or solutions.

Mr. Noe answered that, because this is a quasi-judicial proceeding, the proponents would not be able to meet with the Council directly. The communications would need to take place with staff, and the staff would bring the matter to the Council. At this point, the Council would give it its blessing or possibly modify it.

Mr. Shinn said he agreed. He said the law requires that his client cannot meet with more than a handful of people, and because it's a quasi-judicial proceeding, the Council are judges and if the applicants meet directly with the judges, then someone from the public might accuse his client of orchestrating a deal that is not, as one judge referred to it, "transparent." He said that his group's communications would be through staff, and the staff can educate the Council on matters discussed.

Mayor Jones said that the City of Selah has 6700 people in it, and that these people drive the City streets each day and pay taxes on them. The Mayor said that his biggest issue is that very few people who testified live in the corporate City limits of Selah. He said he knows the people who live in Selah will be most affected by what takes place during these proceedings. However, they did not have the opportunity to be heard on this matter.

Mr. Shinn told the Mayor that he appreciates his perspective, but these people did have the opportunity to testify and did not do so. He said that the decision that the Council would be making needs to be confined to the record, which as this time does not include the people that the Mayor is referring to. He said that if there are things outside the record that the Council

wants to consider, it first needs to be disclosed, and second needs to not affect the decision of the judges.

Councilmember Smeback said that, based on what he read, he agrees with the staff's findings. He said he agrees about not wanting to allow big business and its traffic to affect the community too much, but is willing to move to a compromise of some sort. He said that when he explains what is happening in this situation to people in the community, they wonder why the Council would deny the application. Then when they find out how it will affect the streets, operating 24 hours a day and all the truck traffic, and they become more understanding of the Council's position. He said, though, that he is willing to move forward with at compromise solution.

Councilmember Overby said he agrees with Councilmember Smeback. He said that he does agree with the staff reports, that these reports make a valid argument, but that that testimony on the record makes a case for the proponent. He said that the case would be particularly good with a development agreement. He said he also has some issues with the piece of property to be rezoned that has yet to be subdivided. However, he still believes in moving forward with a compromise solution.

Mr. Noe said that someone needs to make a motion as far as how the Council would like to handle the proceeding at this point.

Councilman Tierney Moved To Table the Planning Commission Recommendation To Adopt Matson Fruit Urban Growth Area Comprehensive Plan and Industrial Zoning Map Amendments until December 22nd (Councilwoman Derry Announced She Will Not Be Present on December 22nd.) Councilman Overby seconded. Roll was called: Council Member Overby – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

2. Garner-Bernier (Childcare Facility)

Community Planner Dennis Davison presented an application by Dan Garner and Sue Bernier for an additional daycare center on North Wenas Road. He stated that the proposed daycare would handle children 4 years and younger while the existing daycare facility would handle children 5 and older. He stated that the proposal is to construct a daycare with occupancy of 75 children with hours from 6:00am to 2:30am. Mr. Davison stated that the daycare will be open roughly 20 hours per day for various shifts and will primarily serve the people who work in the apple industry. He stated that environmental review is not required on this property, and that the facility has a class 3 use. He stated that both public and private utilities are available.

Mr. Davison informed the Council that the Department of Social and Health Services has several requirements for the facility including children's ages, employee to child ratio, have a maximum capacity of 75, and daycare licensing from the state. He said that the state highway is a controlled access facility. The Department of Transportation and the City of Selah require access permits and is a class 5 controlled access regulated by certain statutes; the City makes the decision as to the location of access points. There is an existing driveway that will now be serving the daycare. The state is the one who will review the site plan and will, if they choose, make changes to points of access or the location of drop-off sites. If they do so, the City will receive a revised site plan.

He said the Planning Commission recommended approval with thirteen conditions. He stated that the daycare facility has met all of the conditions except for one, which is extending a water line from the South property line further to the North.

Mr. Davison stated that the daycare is self-terminating if the state should deny the proposal or the approval be withdrawn. The daycare facility must obtain a license with the City of Selah and renew that license each year. The daycare facility is allowed to operate throughout the entire calendar year, as opposed to the school year only. The city may terminate the daycare facility for violation of any conditions imposed. The class 3 use is connected to the land so that if there is any change of ownership, the operation of the facility will not be affected. If the facility should cease to operate for 60 continuous days, the permit will expire. Mr. Henne is going to be submitting a letter stating that the existing hydrant is sufficient for the new building. Mr. Garner has asked that he not be required to put in the fire hydrant prior to putting in the twelve inch water line. The staff has agreed to create an agreement with Mr. Garner that he complete the extension of the twelve-inch water line to the South property line within the next 6 months. The Planning Commission recommended approval of the daycare facility on the condition that he completes his agreement with the city to extend the 12-inch water line. Mr. Davison indicated that the finding of facts is available in the Council's packets.

Councilmember Overby asked Mr. James Garner if he believes 90 days would be enough time to obtain the license for the facility.

Mr. Garner answered that it would. Additionally, he said it will take approx two years to bring the occupancy to 75.

Councilmember Tierney asked Deputy Fire Chief Hanna if there are any fire suppression, sprinkler system or other related requirements for a facility such as this one.

Deputy Fire Chief Hanna answered that the 06 code does not take effect until the facility is 20,000 square feet or greater. He said that there is no issue with this facility regarding that.

Councilwoman Derry Moved To Approve the Planning Commission Recommendation To Approve the Garner-Bernier Childcare Facility With Conditions. Councilman Jorgenson seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

3. Garner Subdivision Variance

Community Planner Dennis Davison addressed an application by Dan Garner requesting a variance from the from the Selah Municipal Code requirement that states that each lot abut a public street. He explained that Mr. Garner wishes to subdivide his property into two separate parcels; however, the back property does not meet the subdivision requirement. He said that, according to the site plan there is a long, deep lot that is sixty-four feet wide and several hundred feet deep. There is an existing structure on the front two-thirds of the property, which is a triplex. He stated that there is also a duplex on the rear one-third of the property. Mr. Garner is requesting a variance from the from the Selah Municipal Code requirement that states that each lot abut a public street so that he can create a back parcel. Mr. Davison pointed out a new line on the site map that would exist if the property were subdivided. He stated that the Planning Commission found special circumstances that the property meets, which are:

- (a) That special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do exist; and,
- (b) That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification; and,
- (c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated; and,
- (d) That the special circumstances do not result from the actions of the applicant; and,
- (e) That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and,
- (f) That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district and the comprehensive plan.

Mr. Davison stated that the Planning Commission recommends approval with no submitted conditions. As a result of subsequent research, Staff requests two conditions be met: first, that the owner will covenant the two properties to make sure that the back property has a legal access and a maintenance responsibility across the front parcel, maintaining the access so that if something happens, both properties would use it and be responsible for it. Second, that there will be an easement for the utilities for the back property so that water, sewer and power can run across lot 1 to serve lot 2. Also, if someone needs to make repairs on lot 1, the easement would cover it. These have not been created, but the staff recommends that they be imposed on Mr. Garner and recorded by the City, along with any short-plat.

Councilmember Larson asked Mr. Davison if it would be a guaranteed access if there is a service access from a front lot to a back lot.

Mr. Davison answered that it would be recorded as a guaranteed access easement to run across the property.

Councilmember Larson asked if the owner of the front property would be the owner of the whole parcel. He asked how that works.

Mr. Davison answered that the two properties would have two different owners. He said Mr. Garner presently owns them both, and would sign the easement granting the rear lot.

He asked who would enforce a maintenance agreement if the person in the back lot has a complaint about the maintenance of the road.

Mr. Davison answered that there would be a private contract between the two parties, and that if they had a disagreement, they would have to seek legal counsel.

Councilmember Larson verified that the City would not be responsible for a maintenance agreement.

Mr. Davison answered that the City would not be involved. He stated that the same is true of utilities as well. He stated that if anything needs to be fixed, there would be an agreement in place between the two owners and the City again would not be involved.

Councilmember Smeback asked if all five units are on separate water meters.

Mr. Davison answered that there are two water meters; one serving the front unit, and the other serving the back unit.

Councilmember Tierney asked Mr. Garner why he hadn't subdivided the property when he first built the five units.

Mr. Garner answered that he never had any intention of selling either property to begin with. He said he just wanted to do as he had done before and put in a string of apartments, for example. He said that he had done this once before, and with the prospect of moving forward in construction, he needed to sell more. He stated that he has all that information in front of him to address questions about water, sewer, maintenance and the highway, He said that each one of the five units pays a fee for landscaping, sewer and water, maintenance, irrigation water, highway, roof repair, snow removal, and others. He said that he has all of this information right in front of him about what the tenants would be paying for and he thinks he's covered everything.

Councilmember Tierney asked Mr. Garner if his primary reason for subdividing the property would be to create a less expensive sale for someone who does not want to buy all 5 units.

Mr. Garner indicated that that is correct. He stated that the interest rate more than anything else would make it more feasible.

Councilmember Larson asked if this would violate the City's minimum lot size requirement or if it would stay above 8000.

Councilmember Smeback asked Mr. Davison how many times the Council has had to deal with the separation of big lots in South Selah.

Mr. Davison indicated that there haven't been any. In the past, the City has gone with a developer who would need to acquire two units, build one building, or tear down the house in front because the code requires that each property abut a public street.

Mr. Davison said that there are only three that he knows of.

Councilmember Larson asked if these were in the same area.

Mr. Davison verified that these were in the South Selah area.

Mayor Jones said the city has lots of them. It's one of those things that was built 60 or 70 years ago that we have to live with.

Councilmember Larson asked what kinds of problems either Dennis or Joe sees with a configuration like the one Mr. Garner is proposing where one person has to drive over someone else's lot. He asked if either one of them see any potential problems with that.

Public Works Director Joe Henne said that the owners can work out an agreement. He said it might be a good idea because the person in the back has free and unencumbered access. And they don't always maintain the conditions.

Councilmember Larson said that he believes that this is already taken care of beyond the title.

Mr. Garner stated that he didn't think of providing the Council with a copy of his paperwork, but he has a document that explains exactly what happens on a monthly basis for each issue addressed. He also put it in a yearly format.

Mayor Jones commented that there has been an interior lot developed behind his house. He said that on the East side of his house, he had to allow an easement for the back property so that there could be access to the back lot. He said he doesn't have an easement, but he maintains the road.

Councilmember Larson asked who pays the property tax on that road. He verified that the Mayor does because he owns the property.

The Mayor said he got an easement across his property and he's ok with it.

Councilmember Larson said that, as long as the buyers are aware of the issue, then he supposes that is their decision.

Councilmember Tierney asked Mr. Garner if he intended the buildings he put up to be condominiums.

Mr. Garner answered that this is the case.

Councilmember Tierney asked if they would continue to be titled as condominiums, or if they would become rental properties when sold to someone else.

Mr. Garner stated that he would like for them to be condominiums because it is better that way. When they are condominiums, everyone pays a fee and continually pays that fee. If a single buyer buys a triplex or a duplex, if they own a duplex they have twice the responsibility. It will still be sold with the same ordinances regardless of whether it's a multiple unit sale or one unit sale. The sale goes with the people to the property.

Councilmember Overby said that it sounds like it will be necessary to do something more comprehensive – over and above what's being done now to deal with the problems that will happen in situations such as these. Perhaps more of a comprehensive plan is needed.

Mr. Davison said that that it's also possible to deal with these things on a one-by-one basis as they come up. He thinks that it might be better to do it this way so that amendments and changes will not have to happen.

Councilmember Jorgenson said that it is tough to imagining much variation. He stated that someone would never want to give up more of a lot to roadway than absolutely necessary. So a person will have to maintain as much space with as few buildings and landscaping as possible. On a long, narrow lot such as this one, there are not too many places that a road can go – either one side or the other. He asked if he heard Dennis say the staff would approve the proposal with two conditions.

Mr. Davison confirmed that this was the case.

Councilmember Jorgensen asked if the conditions are included in his information or is he just not seeing it.

Mr. Davison said that the Planning Commission got together to discuss this. He said that they discussed utilities for the sewer and the access. He said that if you sell lot 2, you have got to have a legal easement across lot 1 to get it. He added it stated that in the condominium, but Mr. Garner could revoke the condominium to the state tomorrow or the next day. So the City wanted a separate easement document that showed that lot 2 has access. The second thing is that the City wanted to make sure that there is a an agreement in place that the two lot owners would be financially responsible for keeping the roadway to the standard that is agreed to in the contract.

Councilmember Larson asked if the Council should approve Mr. Garner's requests based on this document or the amended document.

Mr. Davison recommended that the Council approve the current document, and Mr. Garner and the staff would create the two easements. He stated that two documents need to be recorded at the time Mr. Garner short-plats the property to create two separate lots.

Mr. Garner said he would have to sit down with Mr. Davison and Mr. Henne to read the paperwork. He said that PLSA did the survey for him and there's not only the easement for access, but also sewer, water and power easements. It is all detailed in the plan.

Mr. Davison stated that he recommended that the Council approve Mr. Garner's petition, and he, Mr. Garner, Mr. Henne and PLSA would sit down and work out the details of the access easement and the maintenance of the road.

Councilman Larson Moved To Approve the Planning Commission Recommendation To Approve the Garner Subdivision Variance. Councilman Jorgenson seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

L. Old Business

M. Resolutions

- * 1. Resolution Approving Payment of Invoice Submitted by Eco-Northwest for Stormwater Education Services Provided under the Terms of their Professional Services Agreement with the City of Selah
- 2. Resolution Authorizing the Mayor To Sign the Agreement for the Yakima Valley Visitors Guide for 2010

City Supervisor Frank Sweet stated that this item was taken off the Consent Agenda at the request of a Council Member. He stated that the Selah Chamber of Commerce goes with either one company or the other and the Council follows suit.

Councilmember Derry asked if the Selah Chamber of Commerce advertises with Yakima Valley Newspapers.

Mr. Sweet confirmed that this was the case.

Councilmember Derry said that Yakima Valley Newspapers specializes in writing stories and selling advertisements. She said the role of the Yakima Valley Visitors and Convention Bureau is to promote tourism in Selah. She said that the ad in the Yakima Valley Newspaper last year shows a picture of the canyon, which isn't even in Selah itself, and the text was poorly written. Councilmember Derry said she went to the Yakima Valley Newspapers' website, and could not find how they were promoting Selah. She said there was only one event that's actually in Selah. They just had the Selah Community Days. They didn't promote fun things to do in Selah such as ball games, Chamber events, concerts in the park, the bazaars, the Christmas thing, the prayer breakfast, and other events. Councilmember Derry said that she feels that, because Yakima Valley Visitors and Convention Bureau specializes in promoting the Yakima Valley, they would do a better job. But if the Council does advertise with the Yakima Valley Newspapers, she said that it does need some proofreading.

Councilmember Tierney said that in his travels around the State of Washington, he has never seen the Yakima Valley Newspaper advertising Selah, but he has seen The Yakima Valley Visitor and Convention Bureau guide.

Councilmember Derry said that the Yakima Valley Visitor and Convention Bureau covers a wider area. Additionally, she said that this is what Selah is going for, to promote Selah to those who are not in the area. For example, the City of Selah would want to encourage people in Seattle to see Selah, and not someone in East Valley to come see Selah.

Councilmember Jorgenson said he loves the idea that the City of Selah is supporting the Chamber. He asked if anyone has lobbied the Chamber to find out why they are choosing to advertise with Yakima Valley Newspapers.

Councilmember Tierney said his best guess is because it would be less expensive.

Councilmember Derry said she went to the Chamber's website and she can imagine that they are pretty stretched thin with the number of members and the busy workload.

Mr. Sweet confirmed that the City of Selah's cost would go up to approximately \$2200 with the Yakima Valley Visitors and Convention Guide. He acknowledged that businesses pay this as well. He supposed that this is a determining factor for them in this type of contract.

Councilmember Jorgenson said that he understands because the theory is that the Chamber has every best interest to promote Selah their businesses for the advertising dollar that they can generate, and if they thought it was sub-par, they wouldn't do anything. One may be better than the other, but can the Chamber validate the return on spending more money on the one that is more expensive. He said he likes that fact that the Chamber takes the lead on making this decision, and the City of Selah follows suit.

Councilmember Derry said she hasn't heard any report from the Yakima Valley Newspaper on how much advertising time Selah's ad gets.

Mr. Sweet said the City didn't get anything from Yakima Valley Visitors and Convention Bureau. He said that City hasn't received anything from anyone on those ads.

Mayor Jones said that to address one of Councilmember Derry's questions, the picture of the canyon had to do with fly fishing. He said that Selah is one of the premier fly fishing areas in the United States and is becoming worldwide. He said that that's the point of why the condominiums are being built in the canyon. He said that because of this, there are other things to promote in Selah now and we can promote them.

Councilmember Overby said he appreciates Councilmember Derry and Councilmember Tierney's comments. He said he's over on the west side quite a bit and hasn't seen much advertising from the Yakima Valley Newspapers, but he's not sure if they are in that area. He said that he thinks there has to be a better way to find a way to advertise Selah.

Councilmember Tierney said he thinks it's a good idea to partner with the Selah Chamber on this matter.

Councilmember Derry said she completely disagrees. She said that just because the Selah Chamber of Commerce is using the Yakima Valley Newspaper, it doesn't mean that this is the best newspaper to use.

Mr. Sweet stated that it is not just the Selah Chamber that is that is using the Yakima Valley Newspaper. He said that the Community Days is using them, and Tree Top will be using them next year for their 50th anniversary.

Councilmember Derry said that for her, it is about quality. She stated that the Yakima Valley Newspaper does not have the quality that the Yakima Valley Visitor and Convention Bureau has.

Councilmember Larson wanted to make sure that that the City of Selah still supports the Yakima Valley Visitor and Convention Bureau.

Mr. Sweet stated that the City of Selah is paying Yakima Valley Visitor and Convention Bureau \$6500 dollars per year.

Councilmember Larson said it's not an issue that Yakima Valley Visitor and Convention Bureau. Selah does not get support from Selah. He asked if the money that the City pays to Yakima Valley Visitor and Convention Bureau is for advertising.

Mr. Sweet said it was for being listed on their reader board, on their web page and in their center.

Councilmember Larson said he's not a marketing person, but he thinks that the Selah Chamber would have every interest in effectively using their advertising dollars. He said he supports what some of the others have said they want to do.

Councilman Jorgenson Moved To Approve the Resolution Authorizing the Mayor To Sign the Agreement for the Yakima Valley Visitors Guide for 2010. He added that he wants a condition to be that Councilmember Derry has the opportunity to proofread the copy. Councilman Larson seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey– no, but she will proofread; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Motion carried with Councilwoman Derry voting no.

- * 3. Resolution Accepting Progress Estimate Number 3 on the Speyers Road Improvement Project
- * 4. Resolution Accepting Progress Estimate Number 2 on the Well Number 8 Drilling, Casing, Testing and Pump Contract
- 5. Resolution Authorizing Mayor To Sign the James Outside Utility Agreement

Community Planner Dennis Davison addressed the Council, stating that Items M-5 and M-6 go hand in hand. At the last meeting, there was a discussion of the James' Outside Utility Agreement pending the submittal of applications by the parties just north of Goodlander Road to initiate annexation. The second item, M-6 is a notice of intent to initiate the James-Smith Annexation. Mr. Davison stated that he has signed petitions from all three parties: the Smiths, the James and the Bowers. He respectfully requested in the disposition of M-5 that the Council authorize the Mayor to sign the Outside Utility Agreement so that the City can get it recorded. Mr. Davison stated that it would be for both water and sewer, and it would be limited to a new single family residence. He said that if the Council agrees to this, then the Council could move on to M-6.

Councilman Larson Moved To Accept the Resolution Authorizing Mayor To Sign the James Outside Utility Agreement. Councilman Overby seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

- 6. Resolution Accepting the “James – Smith” Intent To Annex Petitions

Community Planner Dennis Davison stated that he has a petition signed by all three parties supporting initiating the annexation. He said he doesn't know what the Boundary Review Board will do to square-up the boundaries, and he doesn't know if the Council is interested in squaring-up boundaries, but expressed concerns that if the staff sends out a notice of petition to annex, some properties under lease may refuse to sign the annexation petition, which would terminate the annexation, or at least the possibility for anything additional. He stated that tonight would be the night to expand the boundaries of the annexation if the Council desires to do so.

Councilmember Smeback asked if people in the neighborhood are notified that people surrounding them are in the process of petitioning to annex to the City of Selah.

Mr. Davison said that the City will schedule a Public Hearing if the City gets enough petitions signed to represent 60% of the value. He said then the City could proceed and all of the people would be notified. However, at that time, it would be too late in the process to expand the boundaries. He said that the boundaries must be expanded tonight if it is to be done.

Mayor Jones asked Mr. Henne if the City would be asked to reimburse the County if the City were to expand the boundary to include the brand new street there with sidewalks, curbs and gutters.

Mr. Henne said that he doesn't think that the City would need to reimburse the County for that particular project since loans were not used. He stated, however, that the County said they

would require the City of Selah to take in all of Goodlander Road between Selah Loop Road and Lancaster. Discussion then ensued regarding which properties would need to be included in the annexation and how best to achieve the needed 60% of the value.

Councilmember Overby asked if the Boundary Review Board could push the issue or if they would accept the annexation with what is included now.

Mr. Henne answered that the Boundary Review Board could make the boundary straight across if they chose.

Councilmember Overby then said that he would be happy with the notion to say that the Council wants only the lots that are contiguous to the City.

Councilmember Tierney added that the properties front the road that is available for access.

Regarding annexation, Mr. Henne commented that the property with the address 33029 might not be able to obtain sewer services. He said that there won't be any problem with water, but because this property is on the other side of Goodlander and he's not sure that 33029 can flow out of Goodlander for services.

Mr. Henne said that the properties do belong to the Bowers. However, he said that the address 33030 probably can get sewer services.

Councilmember Larson asked if the issue of a lack of sewer services would be an issue in the County as well as the City.

Mr. Henne confirmed that there would be an issue in either situation. He simply said that he wanted to let the Council know that annexing to the City does not necessarily guarantee that they will automatically have sewer services.

Councilmember Larson moved to approve the Resolution Accepting the “James – Smith” Intent To Annex Petitions noting the City Council of the City of Selah has considered the petitions to annex and adopts a proposed annexation boundary identified as “Exhibit A” representing approximately 6.5 acres; and the Council accepts the petition and will impose the following conditions upon the annexation:

- (1) the geographic boundary of the proposed annexation;**
- (2) simultaneous adoption of One-Family Residential (R-1) zoning will be required or zoning consistent with the land use designation of ‘mode rate density residential’ contained in the 2005 City of Selah Urban Growth Area Comprehensive Plan will be adopted;**
- (3) existing municipal indebtedness is to be assumed by the territory annexed; and,**
- (4) a “right-of-first refusal” for acquisition of irrigation and/or water rights will be required.**

Councilman Smeback seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

7. Resolution Establishing December 22nd, 2009 as the Date To Conduct a Public Hearing To Consider the Vacation of a Portion of South Wenas, East 1st, and 2nd Avenue Rights-of-Way Located Between East Naches Avenue and East 5th Avenue.

Community Planner Dennis Davison stated there are two resolutions regarding the vacation of right-of-way, one establishing the intent and another setting the Public Hearing date. He pointed out a map in the packet which shows the rights-of-way to be vacated.

Councilmember Overby asked if the trapezoidal shape at the lower left corner – where Roybal’s is presently is the area to be vacated. Discussion ensued as to the location of the right-of-way to be vacated.

Councilmember Smeback asked if this is a part of the Department of Transportation’s plan.

Mr. Henne confirmed that it is.

Mayor Bob Jones said that 1st Ave and 2nd Ave are streets that run directly into Tree Top and that’s as far as they go. He further stated that, this day and age, a lot of food production establishments want to be compounds. People who buy the establishment’s products want to know that the area is secure and that there is a fence around it. He said that in order to do this, there cannot be a street running through it, so the deal that the City is trying to make with Tree Top is to get enough right-of-way to put in a turn lane and two lanes of traffic through that area. He concluded that this would be very beneficial for both the City and for Tree Top.

Conversation ensued regarding which property is that to be vacated.

Councilmember Larson mentioned that in the future, Tree Top would like to build a building where Railroad Avenue exists. He asked if this matter need to be brought to the City before it happens.

Mr. Davison said that if that right-of-way were to be vacated, and if there are utilities, the City would keep easements for their maintenance, however the City would not allow a building to be built over utilities. He stated if there are no utilities there, Tree Top can build if the City chooses to vacate.

Councilmember Overby asked if the Mayor is asking the Council to make a motion to schedule a public hearing for the matter of vacating this right-of-way.

Mr. Davison confirmed that this is correct. The public hearing date to be scheduled is for December 22nd, 2009.

Councilman Overby Moved To Accept the Resolution Establishing December 22nd, 2009 as the Date To Conduct a Public Hearing To Consider the Vacation of a Portion of South Wenas, East 1st, and 2nd Avenue Rights-of-Way Located Between East Naches Avenue and East 5th Avenue. Councilman Smeback seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

8. Resolution Initiating the City's Intent To Vacate Portions of South Wenas, East 1st and 2nd Avenue Rights-of-Way Located Between East Naches Avenue and East 5th Avenue.

Subsequent to the vote on Resolution M-7, Councilman Overby Moved To Accept Resolution Initiating the City's Intent To Vacate Portions of South Wenas, East 1st and 2nd Avenue Rights-of-Way Located Between East Naches Avenue and East 5th Avenue. Councilman Smeback seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

N. Ordinances

- * 1. Ordinance Establishing the Amount of Taxes To Be Levied upon Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2010
2. Ordinance Establishing the 2010 Salary Schedule for the Selah City Mayor

Finance Committee Chairperson Keith Larson stated on behalf of the Finance Committee, that he would like to address the Council's and the Mayor's wages. He stated that it has been a long time since those have changed, and they just haven't gotten around to that. He said that this year they took a little bit of a different approach with determining salaries and compensation. He said the Finance Committee got together, met with City Supervisor Frank Sweet and Mayor Bob Jones. The Mayor had asked Mr. Sweet to gather some information regarding comparables salaries in different cities. He said that they found that Selah's Mayor is underpaid. Based on that information they are recommending a raise to \$620 a month. He stated that previously it was \$520 per month.

Mayor Jones said that he knows that neither he nor the Council get into public service for the money. Mayor Jones said that what money he earns, he spends on fuel or lunches, and things such as that. He said he does appreciate the concern and that at some point someone else will have his job and they'll probably want more.

Councilman Overby Moved To Adopt the Ordinance Establishing the 2010 Salary Schedule for the Selah City Mayor. Councilman Smeback seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey– yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

3. Ordinance Establishing the 2010 Salary Schedule for the Selah City Council

Councilmember Larson said that this subject also has been a part of the Finance Committee's conversation for about six or seven years. He said he has been on the Council for twelve years, and the wages have not been raised in that time. He stated the Finance Committee is proposing a wage increase from \$255 per month to \$325 per month. He stated he's also proposing a wage increases be on a more regular basis so smaller, incremental increases are made over time. This will only affect a councilmember who is elected after the wage increase takes place.

Councilman Jorgenson Moved To Adopt the Ordinance Establishing the 2010 Salary Schedule for the Selah City Council. Councilman Larson seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

4. Ordinance Establishing the 2010 Salary Schedule for the Selah City Supervisor

Finance Committee Chairperson Keith Larson stated that the Finance Committee was assigned the job of getting together with Frank Sweet, doing the research and gathering the information in order to bring a proposal to the Council for what the compensation should be for the City Supervisor Position. He said they were also assigned the job of negotiating wage compensation with the union through the years and this is the first year that they were really diligent in having the meetings and following through. He said he is really proud of the work that everyone on the Finance Committee has done. He added that what they came up with is what they would be presenting to the Council and that Item N-5 sets the stage for Item N-4, which is the City Supervisor's compensation.

He said that, as far as a raise for the contracted union employees, there were early discussions about a multi-year contract and what that might look like, but because of the uncertainty about Initiative 1033 and what that might do to the City's revenues, the City was reluctant to enter into a longer-term contract and felt that a 2010 cost of living increase is warranted and justified. He noted that given tough economic times, there are other companies and municipalities who are not giving any kind of a raise, but over the past few years, the City of Selah has been trying to even the rate and wage increases so that they're more consistent over time.

Mr. Larson said the Finance Committee feels that a 3% wage increase is sustainable for City employees long-term. He noted that one of the issues that came up in Mr. Sweet's negotiations with the union representatives is the fact that the City pays 100% of the health insurance premiums for City employees. Mr. Sweet has done research and has been able to obtain a very competitive rate. The city pays a little more than half of what a lot of the competing cities pay for health benefits. Employees pay nothing, and that was a big issue in talking with the union representatives because they really would like to see that these benefits the way they are.

Chairperson Larson proposed the increase in pay for the City Supervisor as the 3% cost of living wage increase, plus an additional 3%. He said the Finance Committee did a formal interview with Mr. Sweet earlier this year, and there was discussion about the out-of-the-ordinary things that Mr. Sweet does with his team, the successes that the City has had, and a lot of that success is due to Mr. Sweet's efforts.

Councilmember Derry asked when was the last time Mr. Sweet had a raise and possible pay increase.

Mr. Sweet answered that he doesn't remember. He said it's been a number of years and it has stayed with the same cost of living that other employees have had.

Councilmember Derry asked if there is anything in Mr. Sweet's contract or schedule regarding a raise.

Mr. Sweet stated that he does not have a contract. He said he's a day-to-day employee.

Mayor Jones interjected that a lot of things were taken into consideration. He praised Selah's Public Works Department, Fire Department and Police Department. He praised the Clerk/Treasurer. He remarked that the people in these departments don't always get along, but they do what is best for the City of Selah. He stated that, when a realtor tried to dissuade the City from selling some property that he could not sell, Mr. Sweet was able to sell the property and save the City about \$220,000 in commissions. Mayor Jones stated that Mr. Sweet has gone above and beyond the call of duty. He stated that Grandview, a city of comparable size, has a City Manager making quite a bit more than Mr. Sweet. So the Finance Committee's intent was to get the incomes as close as possible, to make up some of the distance between the two salaries.

Councilmember Jorgenson praised Councilmember Larson's presentation of the information that the committee looked at. He stated that it is natural to question why Selah would be offering raises when other cities are cutting back, but that the City of Selah has done a remarkable job of doing the right thing with the people's money. He noted the City of Yakima and the Federal Government could learn from how the City of Selah has managed its money.

Councilmember Derry asked if the Finance Committee considered making recommendations for raises (that exceed the 3% cost of living increase) for other people in supervisory roles such as Fire Chief or Police Chief.

Councilmember Larson stated that the only one the Finance Committee was asked to look at was the City Supervisor. He added that throughout the year, they've made some adjustments but generally not for more than a cost of living adjustment.

Mayor Jones said that the City has tried to keep up with cities of like-size, making sure that the salaries are comparable to what other cities pay.

Councilmember Derry asked who had asked the Finance Committee to look into salaries.

Councilmember Larson said that it was last year's City Council. He said it was frustrating to approve budgets proposing a wage increase of, for example, 4%, and the union contracts have already been negotiated at 4%. So the council asked the Finance Committee to work with Mr. Sweet when contracts are being negotiated so that the Finance Committee's hands were not tied. Councilmember Larson said that the Finance Committee has been working with Mr. Sweet since approximately May or June and have had five meetings in which there was discussion about the status of represented and non-represented employees.

Councilmember Overby stated that he remembers that the Council had been discussing this issue a year ago and that the waters got pretty muddy because it was unclear as to whether the Council wanted Mr. Sweet to be arguing his own salary. He stated that the Council felt somewhat uncomfortable with that and wanted to see this go to the Finance Committee by July of last year.

Mayor Jones added that Councilmember Nichols wanted to make sure that Mr. Sweet had an evaluation, and that was done. He stated that the Finance Committee handled salary issues throughout the entire process and that he believes that this worked well.

Councilmember Jorgenson said that, because the Mayor is Mr. Sweet's supervisor, the Mayor was involved in the discussions (regarding job performance) that took place during Mr. Sweet's evaluation.

Councilmember Smeback noticed that all of the salaries are listed by monthly salary amount except for the City Supervisor. He asked why this was the case.

Mr. Sweet answered that this was done by mistake. He said that this was the recommendation made by the Finance Committee. The recommendation was for 6%, rather than a number.

Clerk/Treasurer Dale Novobielski stated that he happened to have the number. He said that it works out to \$8409 per month.

Councilmember Derry said that she feels she would be able to make a more educated decision as to whether she would approve the City Supervisor's salary if she was provided information regarding other cities' salaries and comparable rate information.

Councilmember Larson said that he agrees, but according to the minutes from the meeting at the same time last year, the Finance Committee was asked to make a proposal for salaries based on comparable salary information from other cities. He said that it would have been good have the Council copied on that, however, the Finance Committee was essentially trusted to provide accurate information to the Council.

Councilmember Derry said she would have liked to have the information in front of her today.

Councilmember Overby asked if this might be an ongoing issue. He stated that it is an awkward position for the City Supervisor to propose his salary along with everyone else, and this does come before the Finance Committee each year.

Councilmember Tierney said that he thinks that the City of Selah wouldn't be able to do this for its employees if the City of Selah was not such a well-managed, well-trained, and well-retained group of people.

Mayor Jones stated that he thinks that he has very dedicated employees. He wanted to get the salaries up so that the City of Selah could better retain their employees. He said that when he first started, after the City of Selah trained their employees and other cities would hire them out from under the City of Selah. He said he has made some changes so that there would be improved retention.

Councilman Overby Moved To Adopt the Ordinance Establishing the 2010 Salary Schedule for the Selah City Supervisor. Councilman Smeback seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey– no; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Motion carried 5 - 1 with Councilwoman Derry voting no.

5. Ordinance Establishing the 2010 Salary Schedule for Management, Confidential and Unrepresented Employees

Councilmember Larson stated that, as discussed before, but the Finance Committee was a part of the process of researching what appropriate wage increases should be, and this includes the 3% increase for management, confidential and unrepresented employees. He stated that the Finance Committee recommends that health benefits stay as they are.

Councilman Tierney Moved To Adopt the Ordinance Establishing the 2010 Salary Schedule for Management, Confidential and Unrepresented Employees. Councilman Overby seconded. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Derrey – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

O. Communications

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.

P. Reports/Announcements

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

Deputy Fire Chief Gary Hanna announced that there will be a Joint Board Meeting December 1 at Fire Station 1 at 4:00pm. He said that the Fire Chief has been working with Mr. Sweet and the Mayor to clean up some language that needs to be updated in the Joint Operating Agreement. He said that, after this meeting, the issues discussed will most likely come before the Council.

Public Works Director Joe Henne reported the progress on the Speyers Road project. He said that street lights will be in during the next couple of weeks, and that will wrap up that project. He further reported Public Works began test pumping on Well 8 begun earlier today, and will be finished tomorrow. He said that they are trying to determine capacity.

Mayor Jones asked if Public Works is going to be putting in a new pump house up there.

Mr. Henne answered that his department plans to renovate the existing pump house. He said he is considering building a pyramid for it.

Parks and Recreation Director Jeff Hagler stated that he hopes the Council had the opportunity to review the Parks Board minutes. He said several important items that they voted on will be passed on to the Council.

Councilmember Smeback asked if the Parks and Recreation budget includes a sign for Carlon Park next year.

Mr. Hagler said that is in the budget and the Council will have the opportunity to look at it.

Councilmember Smeback said that it's a great idea about a field.

Mr. Hagler said that will allow them to expand their age brackets so there will be younger kids playing there. That should be a good thing.

City Supervisor Frank Sweet reported that the City closed on the Selah Medical Center this week and received the money. He said that the City will be getting building drawings pretty

soon and will shortly be getting some permits and then they'll be building the medical center. He said 5 or 6 doctors have already signed up and they're ready to go. He also thanked the Council for the salary increases for himself, staff and department heads.

Councilmember Larson said he'd like to echo the sentiments regarding the crew at the City of Selah. He said that if Selah was not such a well-run city, we would not have the resources for raises this year. He said he also attended the Yakima Valley Mayor's Meeting (in the Mayor's absence) and the Office of Emergency Management gave a presentation and proposed a budget for next year, which will be the same as last year as an effort to cut costs. He said the budget was approved. He also reported that Mayor Jones has been re-elected to the board of Emergency Management. Additionally, the Mayor of Toppenish, Loren Belton, volunteered to be on the board of the OEM as well. Jim Hall also offered to come to a City Council Meeting and give a presentation on the landslide up in the Nile Valley – do a study session or at the Mayor's Meeting or something. The presentation would last for a half-hour or so.

Councilmember Overby reported he has been working with City Manager Frank Sweet and Yakima Transit regarding some proposals for how the City of Selah is going to better utilize some of the transit resources that the City has been getting. Particularly, they are asking Yakima Transit to come back with a proposal on how much extra it would cost for peak service –not just once an hour but twice an hour. They are also asking for a proposal on expanding to include South Park Drive instead of coming down Wenas. He said the biggest proposal is to change the route to Fremont to 11th Avenue to Speyers and back and to include that loop as part of the route to capture some in-town traffic. He said that they are also doing some research into some nice bus shelters. He said that they have some quotes that they are going to be bringing to the Council, and he said that the funds for this are already in the reserves.

Councilmember Jorgensen said that the Selah High School Band has a concert tonight that started two minutes ago.

Councilmember Smeback thanked the staff for the work they did on the Matson rezone. He said that it is a matter that takes more than a couple of hours to put facts together and stated that he appreciates the staff's leadership on this matter.

Administrative Assistant Julie Gray said thank you to the Council for the salary increase, and she wanted to let the Council know that she will be leaving for Vienna the following day and will be singing there with the Symphony Chorus.

Mayor Jones thanked the Council and staff for the time they have put in for this lengthy meeting.

Q. Executive Session

No Executive session was scheduled.

R. Adjournment

Councilman Larson moved to adjourn. Councilman Overby seconded. By voice vote, support was unanimous.

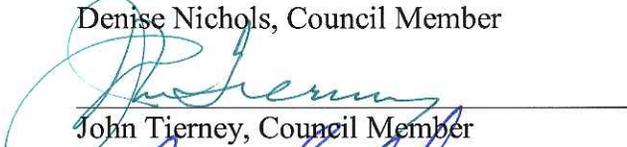
The meeting adjourned at 6:35pm.



Paul Overby, Council Member

(Excused)

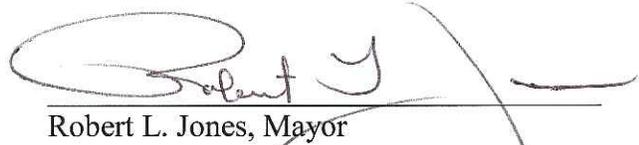
Denise Nichols, Council Member



John Tierney, Council Member



Dave Smeback, Council Member



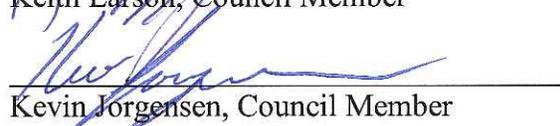
Robert L. Jones, Mayor

(Excused)

Summer Derrey, Council Member



Keith Larson, Council Member



Kevin Jorgensen, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer