

City of Selah  
Council Minutes  
November 12, 2013

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

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

B. Roll Call

Members Present: Keith Larson; Paul Overby; Dave Smeback; Allen Schmid; Brooke Finch; Carl Torkelson

Members Excused: John Tierney

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

C. Pledge of Allegiance

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

D. Agenda Changes

**Add to Agenda:**

1. New Business K – 2 Creation of new position: Stormwater Management, Code Enforcement and Court Security Officer
2. Resolution M – 9 Resolution authorizing the Mayor to sign a US VEBA Trust Cooperative Agreement
3. Ordinance N – 3 Ordinance Amending the 2013 Budget for Funding of the Selah Downtown Association

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

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

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Dick Pratt, 1 North 12<sup>th</sup> Street, approached the podium and addressed the Council. He said that he has kept a recreational vehicle parked on the dead-end street across from his residence for many years, and that he keeps the area clean and well-maintained. He went on to say that an officer recently approached his wife regarding the vehicle, and he was coming to Council to see if they would grant him a variance, or allow him to pay a parking fee, to keep the vehicle in that location. He noted that none of the neighbors had complained about having it parked on the side of the road.

Mayor Gawlik replied that the Code Enforcement Officer and the Selah Police Department have been looking at issues such as the Ordinance against parking recreational vehicles on the City right of way during last month or so, primarily due to code issues around Selah. He deferred to City Attorney Noe regarding a possible waiver.

City Attorney Noe stated that he is not aware of a waiver provision. He said that the Council passed an Ordinance a few years back to allow folks to improve areas on their properties to allow for storage of recreational vehicles, but there was no waiver provision included.

Mr. Pratt asked if he could leave it there until Council made a decision on the matter.

City Administrator Kelly wondered what time limit Mr. Pratt was given.

Mr. Pratt responded that he received no time limit regarding removal. He said that he talked to the Police Chief about the matter, and left a message for the Officer, although he has not received a call back. He felt that it was something to be addressed if it was an obstruction for fire control or snow removal, but pointed out that he keeps the vehicle tucked against the curb and the area immediately around it clean.

City Administrator Kelly remarked that the City will communicate with Mr. Pratt regarding his request, take a look at the Ordinance, and make a determination as to whether they will allow him to continue parking the vehicle there. He expressed his appreciation to Mr. Pratt for coming in with his concern.

Mr. Pratt thanked the Council for their time.

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

2. Written

a. Valleyview/S. Third Street/Southern Ave. - STPUS Fund Authorization

H. Proclamations/Announcements **None**

I. Consent Agenda

**Council Member Overby moved, and Council Member Schmid seconded, to add M – 6, M – 8, and N – 3 to the Consent Agenda. By voice vote, approval was unanimous.**

Executive Assistant Lake read the Consent Agenda.

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

- \* 1. Approval of Minutes: October 22, 2013 Council Meeting

\* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 76832 – 76868 for a total of \$184,757.21  
Claim Checks No. 62847 – 62848 for a total of \$ 6,708.92  
Claim Checks No. 62849 for a total of \$ 1,016.36  
Claim Checks Nos. 62850 – 62951 for a total of \$186,992.23

- \* 3. Resolution M – 1 Resolution Establishing November 26, 2013 as the Date to Conduct a Public Hearing to Consider a Utility Franchise for Pacificorp DBA Pacific Power
- \* 4. Resolution M – 2 Resolution Establishing November 26, 2013 as the Date to Conduct a Public Hearing regarding a Six Month Moratorium on the filing of Applications for Development Permits and Licensing for the Production, Processing, or Dispensing of Cannabis or Cannabis Products within the City limits
- \* 5. Resolution M – 3 Resolution authorizing the Mayor to sign a Law Enforcement Assistance Agreement relating to Communications between the City of Selah and Yakima County
- \* 6. Resolution M – 5 Resolution Authorizing the Mayor to Sign an Advertisement Contract with Yakima Valley Visitors and Convention Bureau for the Year 2014
- \* 7. Resolution M – 6 Resolution Authorizing the Mayor to Sign a Municipality Tourism Promotion Management Contract with Yakima Valley Visitors and Convention Bureau for the Year 2014
- \* 8. Resolution M – 7 Resolution Authorizing the Mayor to Sign an Advertisement Contract with Yakima Valley Business Times for the Year 2014
- \* 9. Resolution M – 8 Resolution authorizing the Mayor to sign an Amendment to the Contract between the City and Basin Disposal of Yakima, LLC
- \* 10. Ordinance N – 1 Ordinance Amending the 2013 Budget for Replacement of a Lawnmower
- \* 11. Ordinance N – 3 Ordinance Amending the 2013 Budget for Funding of the Selah Downtown Association

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

J. Public Hearings **None**

K. New Business

1. Civic Center Transition

City Administrator Kelly addressed K – 1. He stated that, twenty years ago, the City decided to create the Civic Center Board and give them the ability to run the City-owned Selah Civic Center. He commented that this has been a great partnership, but it is time for some changes. He noted that both Council Members Larson and Schmid have been involved in the discussions with the Civic Center Board on this matter. He is recommending that the City take back control of the Civic Center as of December 1, 2013 and be responsible for running the

facility, maintenance and upkeep. He remarked that in the past the City was responsible for major items and the Civic Center Board was responsible for the day to day operations. He felt that this is an opportunity for the City to do more things to improve the building's appearance and market it to keep the facility in use more than has been. He ended by saying that the proposal was presented to the Civic Center Board earlier and has already been signed by the current Board President.

**Council Member Larson moved, and Council Member Schmid seconded, to approve the Agreement regarding Operation, Management, Maintenance and Repair of the Selah Civic Center. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.**

2. Creation of new position: Stormwater Management, Code Enforcement and Court Security Officer

City Administrator Kelly addressed K – 2. He said that the Department of Ecology has been putting more pressure on the City over the last five years to do more things to get prepared for stormwater issues; Public Works Director Henne has successfully resisted but it is time to consider hiring for a half-time stormwater prep position. He stated that the City currently contracts out for animal control at the rate ten thousand dollars a year for four hours each week, but the need would be better served by a half-time person providing animal control. He noted that the City also contracts out for court security and additional code enforcement, and that this proposal combines all of those part-time positions into one full-time position, as discussed in budget meetings last week.

Public Works Director Henne remarked that the City will endeavor to respond as soon as possible to dog catching requests, although there will be times that the individual may be busy with other tasks such as court security.

Council Member Overby wondered who would provide supervision.

City Administrator Kelly responded that it is a tricky situation, and they haven't worked out the details as of yet. He went on to say that Public works Director Henne and Police Chief Hayes will have a hand in that, but they will need to work out the details.

Council Member Larson wondered if this position was included in the 2014 preliminary budget reviewed last week.

City Administrator Kelly responded in the negative.

Council Member Overby asked what would happen to any dogs that were caught.

Police Sergeant Steen replied that the animal would go into a holding pen until it could be transferred to the Humane Society.

Council Member Overby inquired if a City rig will be provided for the position.

Public Works Director Henne responded that he is looking into repurposing a truck he had given to the Parks Department, adding that the Police Department has two kennels that will be mounted in the back.

Council Member Overby stated that he is uncomfortable with the idea of multiple people supervising this one position.

Public Works Director Henne commented that the person cannot leave court duties to retrieve an animal, but when he does pick up an animal it will be taken to Humane Society and not housed in Selah.

City Administrator Kelly remarked that the City currently receives four hours a week for animal control, and this proposal would be an improvement on the current situation for a similar amount of funding.

Public Works Director Henne added that the person would be able to deal with any animal control issues that may come up when driving around for code enforcement.

Council Member Finch commented that she sees the salary amount but wondered about the City's net gain/loss with service cancellations.

City Administrator Kelly replied that there is a certain amount already allocated for court security, animal control and code enforcement, and that, while this will cost the City more than those allocations there will be more boots on the ground for enforcement.

Council Member Larson remarked that stormwater management will require more attention in the future than a part-time position will cover.

City Administrator Kelly agreed that the stormwater management position will grow into a more full-time position over time.

**Council Member Larson moved, and Council Member Overby seconded, to approve the Creation of a new position for Stormwater Management, Code Enforcement and Court Security Officer. Roll was called: Council Member Larson – yes; Council Member Overby – no; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. Motion passed with five yes votes and one no vote.**

L. Old Business None

M. Resolutions

- \* 1. Resolution Establishing November 26, 2013 as the Date to Conduct a Public Hearing to Consider a Utility Franchise for Pacificorp DBA Pacific Power
- \* 2. Resolution Establishing November 26, 2013 as the Date to Conduct a Public Hearing regarding a Six Month Moratorium on the filing of Applications for Development Permits and Licensing for the Production, Processing, or Dispensing of Cannabis or Cannabis Products within the City limits
- \* 3. Resolution authorizing the Mayor to sign a Law Enforcement Assistance Agreement relating to Communications between the City of Selah and Yakima County
- 4. Resolution Authorizing the Mayor to Sign an Agreement between the City of Selah and Department of Ecology for the FY 2013-15 Stormwater Capacity Grants Project

Public Works Director Henne addressed M – 4. He said that this Agreement would provide the City with approximately fifty thousand dollars for operating expenses and one hundred twenty thousand dollars for projects, adding that it is grant money with no required match from the City. He noted that the one hundred twenty thousand would be utilized for a couple of projects to reduce the amount of discharge from parking lots into Taylor Ditch and alleviate the pounding on North Wenas Road.

City Administrator Kelly remarked that the City has received this grant due to the excellent job Public Works Director Henne did when filling out the application.

**Council Member Larson moved, and Council Member Overby seconded, to approve the Resolution Authorizing the Mayor to Sign an Agreement between the City of Selah and Department of Ecology for the FY 2013-15 Stormwater Capacity Grants Project. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.**

- \* 5. Resolution Authorizing the Mayor to Sign an Advertisement Contract with Yakima Valley Visitors and Convention Bureau for the Year 2014
- \* 6. Resolution Authorizing the Mayor to Sign a Municipality Tourism Promotion Management Contract with Yakima Valley Visitors and Convention Bureau for the Year 2014
- \* 7. Resolution Authorizing the Mayor to Sign an Advertisement Contract with Yakima Valley Business Times for the Year 2014
- \* 8. Resolution authorizing the Mayor to sign an Amendment to the Contract between the City and Basin Disposal of Yakima, LLC
- 9. Resolution authorizing the Mayor to sign a US VEBA Trust Cooperative Agreement

City Administrator Kelly addressed M – 9. He said that the City has a VEBA program right now that most employees participate in, which is like a separate retirement account that everyone has to contribute the same amount for retirement, and that in an organization such as a union they all vote on the amount each employee will contribute. He went on to say that there is only one organization in Washington State at present, which can charge what they feel is reasonable due to the present monopoly, but providing an opportunity for the new organization to establish itself in Washington State would give cities and unions the option of choosing a VEBA with a fee of 0.75% rather than the current fee of 1.25%. He remarked that he likes to see what can be done to save a buck, noting that this agreement doesn't obligate the City to participate but would allow cities and unions across the state to have a choice rather than only one option. He commented that, if the Mayor is allowed to sign the agreement, it would allow him to sit on the board of directors to establish the organization.

Council member Overby asked if a decision needed to be made today.

City Administrator Kelly responded in the negative.

Council Member Overby remarked that this matter is something he doesn't have a good grasp on and would like to read about prior to voting on the matter.

City Administrator Kelly commented that this is the same agreement he distributed last time Council discussed the matter.

Council Member Finch wondered if these monies would only be used for health care costs.

City Administrator Kelly responded that the money is invested and can be used for health care matters.

Council Member Larson requested confirmation that, if the City passed this Resolution, there would be no negative fiscal impact; it would merely give the employees another option.

City Administrator Kelly replied that there will be no fiscal impact, and that the City will allow its employees to decide whether to participate in this VEBA.

Council Member Smeback asked for confirmation that his request was only to be on the board and look into it, not to commit the City to this.

City Administrator Kelly responded that the City will not be committed; this is simply to get the organization established in Washington State.

**Council Member Overby moved, and Council Member Finch seconded, to postpone the Resolution authorizing the Mayor to sign a US VEBA Trust Cooperative Agreement to a future Council Meeting. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Smeback – no; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. Motion passed with five yes votes and one no vote.**

#### N. Ordinances

- \* 1. Ordinance Amending the 2013 Budget for Replacement of a Lawnmower
- 2. Ordinance to Establish 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 2014

Clerk/Treasurer Novobielski addressed N – 2. He briefly spoke about the property taxes, noting that this Ordinance directs the Assessor to impose the City's tax levy for 2014, which includes a one percent increase over the 2013 levy.

**Council Member Overby moved, and Council Member Schmid seconded, to Approve the Ordinance to Establish 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 2014. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.**

- \* 3. Ordinance Amending the 2013 Budget for Funding of the Selah Downtown Association

#### O. Communications

- 1. Oral

Mayor Gawlik opened the meeting.

Norma Smith approached the podium and addressed the Council. She stated that they are having an organizational meeting at 5:00 pm on Wednesday, November 13<sup>th</sup>, start work on a new pool and asked that those

interested please attend. She said that they are enlisting help from various groups and organizations in Selah for volunteers and help to get this project going. She went on to say that they have retained the architectural drawings previously done, but their biggest problem is finding land for the facility, although most people would prefer to have the pool remain at its present location. She talked briefly about the local Kiwanis group, saying that their new project is new membership. She noted that they meet at noon on Tuesdays at the Civic Center.

Council Member Schmid wondered if Council Member Larson and the Selah Parks & Recreation Service Area Board (SPRSA) members had been invited to the organizational meeting.

Ms. Smith replied in the negative, saying that this is an organizational meeting.

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

**P. Reports/Announcements**

**1. Mayor**

Mayor Gawlik noted that Council Member Tierney's absence is due to the arrival of his new great-granddaughter, Arianna.

**2. Council Members**

Council Member Finch had no report.

Council Member Schmid had no report.

Council Member Overby requested that items not be handed to Council just prior to a meeting, as he would prefer to have sufficient time to research and make a decision on any substantial items.

Council Member Smeback had no report.

Council Member Torkelson had no report.

Council Member Larson commended Public Works Director Henne for his efforts in acquiring grant monies for City projects, saying that those projects wouldn't be done without his hard work.

Council Member Schmid inquired about the status of the construction project in the old library space.

City Administrator Kelly replied that there has been some difficulty in lining up contractors to get the work completed, adding that the contractor they have been waiting on will start work on Wednesday, at which point things will progress fairly quickly.

**3. Boards None**

**4. Departmental**

Community Planner Davison said that two individuals have proposed new subdivisions, and that he has also done a site plan review for another triplex. He commented that he has heard nothing negative from the Boundary Review Board, adding that they will be sending out letters to those in the annexation area to get comments before they make a decision regarding the annexation.

Clerk/Treasurer Novobielski gave a brief update on property taxes, noting that that amount received for November was the highest it has been for several years. He added that there is approximately eighty thousand dollars balance still owing on the Treasurer's roll, which could result in the City receiving forty to fifty thousand dollars more than budgeted for tax revenue this year.

Recreation Manager Brown said that he received a letter in the mail regarding couple of different grant programs for field development, sports complexes, and pool development, and is looking into it.

Public Works Director Henne stated that the water leak area on Wenas was paved earlier today, and that he hopes there will be no further settling of the area. He noted that the weather services are predicting snow for Saturday night; temperatures will start dropping due to a cold front moving in. He said that they are working on a water leak in front of Goodwill tomorrow, and that he received a letter from the Department of Commerce regarding the list of requirements for a new loan.

Mayor Gawlik expressed his thanks to the Public Works employees for their hard work and long hours, saying that the City has a great crew.

Sergeant Steen had no report.

City Attorney Noe had no report.

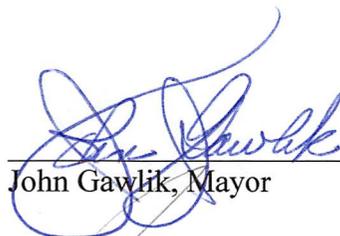
City Administrator Kelly had no report.

Fire Chief Hanna had no report.

R. Adjournment

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

The meeting adjourned at 4:49pm.



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John Gawlik, Mayor

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Keith Larson, Council Member



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Paul Overby, Council Member

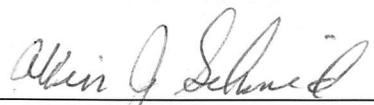
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John Tierney, Council Member

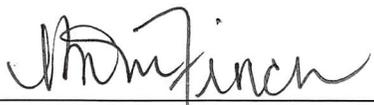
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Dave Smeback, Council Member



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Allen Schmid, Council Member



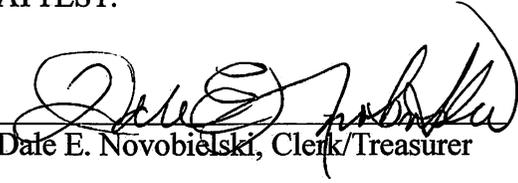
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Brooke Finch, Council Member



Carl Torkelson, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer