

City of Selah  
Council Minutes  
November 24, 2015

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

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

B. Roll Call

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

Members Excused: Paul Overby

Staff Present: Don Wayman, City Administrator; Bob Noe, City Attorney; Gary Hanna, Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Dale Novobielski, Clerk/Treasurer; Charles Brown, Recreation Manager; Tom Durant, Community Planner; Bree Tait, Administrative & Marketing Specialist; Andrew Potter, Assistant to the City Administrator; Monica Lake, Executive Assistant

C. Pledge of Allegiance

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

D. Agenda Changes

1. Add to Agenda:

a. Executive Session Q-1: 15 Minute Session – Real Estate RCW 42.30.110(1)(b)

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

F. Getting To Know Our Businesses

1. G-Force Aerial Media

Gary Berg, G-Force Aerial Media, approached the podium and addressed the Council. He presented a short video showcasing his product then explained why he chose to use a quadcopter for close in video photography. He spoke briefly about his background, showing Council the equipment he uses for flights, then presented a series of slides. He discussed the FAA requirements for unmanned aircraft, which are

currently the same as those for a private pilot, highlighting some of the rules and regulations he must comply with to use the drone for his business.

City Administrator Wayman told the Council that he invited Mr. Berg to give a presentation because he has a business application pending with the City. He noted that all departments have endorsed it, and he intends to sign off on the application unless Council decides they don't want this.

Council Member Tierney commented that someone crashed one into the waterfront in Seattle a week or so ago, and wondered what the penalty is for that.

Mr. Berg responded that it could be negligence or trespassing, or the FAA could fine the pilot for flying in a no fly zone.

Council Member Tierney asked if the pilot would be grounded, like an aircraft pilot.

Mr. Berg replied in the affirmative, provided he's a pilot.

Council Member Tierney inquired if he would be available to assist the City in an emergency.

Mr. Berg responded in the affirmative, adding that he would still be subject to the twenty-four hour notification requirement, although the Fire and Police Departments can bypass that with limited authority if needed.

Council Member Tierney wondered about his hourly rate.

Mr. Berg replied that it starts at two hundred dollars per hour for a job, although he would be happy to discuss doing a public service.

Council Member Ritchie asked if one condition of his license is to comply with FAA requirements.

City Administrator Wayman responded in the affirmative.

Mr. Berg stated that he could lose his pilot's license if he didn't comply.

Council Member Williams wondered if he notified the Yakima Training Center as well as the Yakima Air Terminal about upcoming flights.

Mr. Berg replied in the negative, adding that it is prohibited airspace and he cannot go in.

Jeannie Swedberg, Director of Business Development at Tree Top, Inc., approached the podium and addressed the Council. She said that Tree Top finds video very effective for marketing purposes, and that they would like to use Mr. Berg to video fruit trucks coming into their facility as they did for overheads of their orchards.

Mayor Gawlik wishes Mr. Berg luck with his endeavor, and asked if he had to pass the same physical as a private pilot does.

Mr. Berg responded in the affirmative, adding that the FAA is supposed to be coming out in the future with rules for unmanned aircraft that should more relaxed than private pilot requirements.

Mayor Gawlik took a consensus of the Council regarding the approval of Mr. Berg's business application. By voice poll, consensus was unanimous.

G. Communications

1. Oral

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

2. Written

a. Selah Downtown Association Monthly Financial Report

H. Proclamations/Announcements **None**

I. Consent Agenda

**Council Member Tierney moved, and Council Member Smeback seconded, to add K – 1, M – 3, and M – 4 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: November 10, 2015 Council Meeting
- \* 2. Approval of Claims & Payroll:
  - Payroll Checks Nos. 79125 – 79159 for a total of \$175,765.28
  - Payroll Checks Nos. 79160 – 79195 for a total of \$108,026.79
  - Claim Checks Nos. 66735 – 66790 for a total of \$642,789.56
- \* 3. New Business K – 1: Approval to seek Requests for Statements of Qualifications (RFQ)
- \* 4. Resolution M – 3: Resolution Authorizing the Mayor to Sign the Interlocal Correction / Detention Agreement with the Yakima County Department of Corrections for 2016
- \* 5. Resolution M – 4: Resolution Authorizing the Mayor to Sign an Intergovernmental Cooperation Agreement with Grant County Fire District #11

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

## J. Public Hearings

### 1. Public hearing to discuss the proposed 2016 budget for the City of Selah

Clerk/Treasurer Novobielski addressed J – 1. He said that this is the final hearing on the proposed 2016 budget, and that the only new information received since the last hearing was the annual renewal from CIAW for their vehicle, liability & property insurance. He went on to say that, he had anticipated a five percent rate increase but it came in at twelve percent; the only good news is that this amount is split all across the board and isn't a major hit to any one fund.

Mayor Gawlik opened the floor to Council questions.

Council Member Tierney asked if the increase was across the industry or based on a business arrangement with the City.

City Administrator Wayman replied that it's calculated by Selah's risk management assessment, not the industry.

Council Member Tierney asked for confirmation that it's risk assessment but not losses.

City Administrator Wayman responded that it includes losses.

Clerk/Treasurer Novobielski noted that liability increased by ten percent, property by twelve, and vehicles/equipment by fifteen percent.

City Administrator Wayman remarked that he's asked the Department Heads to review the vehicle and equipment list to see if any can be removed or eliminated from the City's policy.

Council Member Tierney wondered if there was any chance of shopping around.

City Administrator Wayman replied in the affirmative, but noted that the City has been at a level three rating for the past several years due to claims ranging from sewer backups to wrongful terminations to vehicle accidents. He stated that they are in a long-term campaign to lower their requirements for the insurance company to deal with these things, and that he doesn't feel the City will get much of a better rate anywhere else.

Council Member Sample talked briefly about the Selah Downtown Association (SDA) and the work they do, saying that he doesn't feel it's right for the City to not allocate funds for the organization in the proposed budget, as they have in previous years.

Mayor Gawlik agreed, but informed Council Member Sample that the State Auditor questioned the three years of donations during the City's last audit.

Clerk/Treasurer Novobielski noted that their concern was that, prior to that summer, the City had nothing in writing regarding expectations of the funds they contributed to the SDA.

Mayor Gawlik commented that they are still waiting on a response from the Auditor's office about the possibility of getting a B&O tax break.

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

K. New Business

- \* 1. Approval to seek Requests for Statements of Qualifications (RFQ)

L. Old Business **None**

M. Resolutions

Mayor Gawlik read aloud a statement regarding Council Member Williams being advised to recuse herself from hearing any matters pertaining to Mr. Torkelson, noting that he discussed the matter with legal counsel and was advised that Council has the authority to do so.

Council Member Tierney felt that the question was whether Council Member Williams is able to give a fair and impartial assessment to the matter before Council.

Mayor Gawlik polled the Council.

Council Member Smeback felt she should recuse herself.

Council Member Ritchie did not think she should recuse herself.

Council Member Sample abstained.

Council Member Tierney voted no against asking her to recuse herself.

Mayor Gawlik noted for the record that he had two no votes, one yes, and one abstention.

- 1. Resolution Approving the Preliminary Plat of "Speyers Court" (912.61.14-03) and Adopting Findings and Conditions of Preliminary Plat Approval

Community Planner Durant addressed M – 1. He stated that he would discuss both M – 1 and N – 1 together, as both are related. He talked about the application submitted and the proposed project, giving an explanation for the staff recommendation varying from the Hearing Examiner's recommendation of denial, noting that the Hearing Examiner was particularly concerned about open space, which is on the plat and will be made part of the title, and the development sharing the same name as the one across the street, which can be changed prior to recording the plat.

Council Member Sample asked him to clarify that there will be no new buildings.

Community Planner Durant responded in the affirmative.

Council Member Smeback remarked that he failed to see any place where the City stepped up to inform the Hearing Examiner that the R-1 zoning was a mistake on the City's part.

Community Planner Durant replied that all he has to go on regarding that is the Hearing Examiner's recommendation.

Council Member Smeback asked him to confirm that it was zoned R-2 when it was a vacant lot.

Community Planner Durant responded in the affirmative.

Council Member Smeback noted that the Hearing Examiner's denial was based on the erroneous R-1 zone of the property; the crux of the whole process was based off wrong information.

Community Planner Durant replied in the affirmative.

Council Member Ritchie wondered if Council received a copy of all the conditions.

Community Planner Durant responded that those conditions came from the Resolution, and that the Ordinance with conclusions is the Planned Development.

Council Member Ritchie inquired why it wasn't sent back to the Hearing Examiner once the zoning had been corrected.

Community Planner Durant said that staff thought it better to take this approach, noting that the Council has the ability to overturn it.

Council Member Ritchie wondered if the applicant would still be able to do a Planned Development under the old 10.24 if they denied it.

City Attorney Noe replied in the negative, saying that he wouldn't be vested at that point and his alternative would be to go to Superior Court. He noted that Council could remand the matter back to the Hearing Examiner if they chose, which will still give the applicant the benefit of 10.24.

City Administrator Wayman remarked that this is a very elementary issue and that he does not feel remanding it back to the Hearing Examiner is beneficial, as the main reason for denial was a mistake in the zoning.

Carl Torkelson approached the podium and addressed the Council. He requested that Council Member Williams recuse herself.

Council Member Williams refused.

Mr. Torkelson gave some background on the matter, citing some examples of similar projects that already have Council Approval.

Council Member Ritchie asked about the location of the common area.

Mr. Torkelson replied that it is back by the alleyway, and will be a sitting area with a park bench. He noted that there is no size requirement for the common area, and that what he proposes will allow residents to sit there and enjoy the weather.

Council Member Williams inquired if they were only looking at the preliminary plat right then.

Mayor Gawlik responded in the affirmative.

Council Member Williams did not see where this project was of any benefit to the community at large, and that the only advantage is to the developer. She stated that she had asked if Community Planner Durant had looked in City records to determine why the zoning designation was changed, and he indicated he hadn't. She didn't understand why the matter took so long to come before Council, and expressed concern that the open space area wouldn't have its own parcel number.

Mr. Torkelson commented that 5th Street Estates doesn't have a separate parcel for common space either; it is just like this.

Council Member Williams expressed some concern about the fifteen-foot driveway ingress.

Mr. Torkelson stated that this project would create decent and affordable housing, and turn rental properties into owner-occupied parcels, increasing the tax base to the City.

City Administrator Wayman asked what they would assess at.

Mr. Torkelson replied that they would be one hundred ninety thousand each.

Council Member Williams asked what they were currently assessed at.

Mr. Torkelson responded that he would need to look it up.

Council Member Smeback noted that the Hearing Examiner indicated in prior recommendations that he prefers to have developments become homes people can buy, and that these fit a need within the community.

Council Member Ritchie disagreed with the staff report, saying that she felt the Hearing Examiner brought up other issues that should be dealt with and discussed. She remarked that she would feel more comfortable remanding the matter back to the Hearing Examiner.

Mr. Torkelson asked if she wished to spend City funds to send it back to the Hearing Examiner.

Council Member Williams asked the City Attorney if the City would be obligated to pay for remanding the matter back to the Hearing Examiner.

Mayor Gawlik informed her they would, because they would be the requesting party.

City Attorney Noe said he would need to examine the Code.

City Administrator Wayman stated that the City would pay.

Council Member Williams remarked that she has never seen any evidence that the City made a mistake.

Mayor Gawlik explained that he was the City inspector during the construction, and that it was his responsibility to make sure the permit was properly issued and the land properly zoned

Community Planner Durant reminded Council that the property has been rezoned back to R-2.

**Council Member Tierney moved, and Council Member Sample seconded, to approve the Resolution Approving the Preliminary Plat of “Speyers Court” (912.61.14-03) and Adopting Findings and Conditions of Preliminary Plat Approval. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – no; Council Member Ritchie – no. Motion passed with three yes votes and two no votes.**

2. Resolution authorizing the Mayor to sign a Law Enforcement Assistance Agreement relating to Communications between the City of Selah and Yakima County

Police Chief Hayes addressed M – 2. He said that they were told there would be a three percent increase, but the contract indicates a decrease. He was unsure whether to go back to the County on it, or have Council simply vote it in as is.

Clerk/Treasurer Novobielski observed that the quarterly payments for 2015 are more than proposed for 2016.

City Attorney Noe remarked that it has only been signed by the Sheriff and can be sent back.

Police Chief Hayes stated that he would send it back.

Mayor Gawlik said that the item would be postponed to the December 8<sup>th</sup> meeting.

- \* 3. Resolution Authorizing the Mayor to Sign the Interlocal Correction / Detention Agreement with the Yakima County Department of Corrections for 2016
- \* 4. Resolution Authorizing the Mayor to Sign an Intergovernmental Cooperation Agreement with Grant County Fire District #11

N. Ordinances .

1. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.61.14-02 Rezone to Planned Development

Community Planner Durant addressed N – 1. He said that this is the rezone for the preliminary plat Council had just voted on.

Council Member Williams asked who prepared the Ordinance and conditions.

Community Planner Durant responded that he did one, the City's attorney did the other, and then City Attorney Noe reviewed both.

**Council Member Smeback moved, and Council Member Sample seconded, to approve the Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.61.14-02 Rezone to Planned Development. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – no; Council Member Ritchie – no. Motion passed with three yes votes and two no votes.**

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

Community Planner Durant addressed N – 2. He explained the Comprehensive Plan amendment request and the actions taken by previous administration, noting that the Planning Commission recommends approval with the condition that this not set a precedent anywhere else in the City.

Council Member Tierney asked for the specific location.

Community Planner Durant replied that it's at 905 West Fremont Avenue.

**Council Member Tierney moved, and Council Member Williams seconded, to table the Ordinance adopting 2005 Selah Urban Growth Area Comprehensive Plan Amendment 2015-1 (Carl & Candi Torkelson) as recommended by the City of Selah Planning Commission until the documentation is correct and submitted to Council in proper form. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.**

3. Ordinance Establishing the 2016 Salary Schedule for Management, Confidential and Unrepresented Employees

Assistant to the City Administrator Potter addressed N – 3. He said that City Administrator Wayman asked him to prepare the document, as they are proposing to go back to the format where Council approves pay for the non-representative employees. He noted that they were given an edited version due to a clerical error done by himself, which added both the Police Chief and Deputy Police Chief to the Ordinance. He stated that the numbers are what is represented in the budget currently.

**Council Member Tierney moved, and Council Member Ritchie seconded, to approve the Ordinance Establishing the 2016 Salary Schedule for Management, Confidential and Unrepresented Employees. Roll was called: Council Member Tierney – yes; Council Member**

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

4. Ordinance Amending the 2015 Budget for Energy Conservation Improvements

Clerk/Treasurer Novobielski addressed N – 4. He said that the Mayor was authorized to enter into a contract with the Department of Enterprise Services on March 10, 2015, and that this amends the budget for expenditures pertaining to that project.

Council Member Williams asked if any bills reflecting those savings had been received.

Clerk/Treasurer Novobielski replied that Pacific Power informed him the new lights switched the City to a different rate schedule, but they haven't been able to measure any savings as of yet.

Public Works Director Henne remarked that the next bill should reflect those changes.

**Council Member Tierney moved, and Council Member Smeback seconded, to approve the Ordinance Amending the 2015 Budget for Energy Conservation Improvements. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.**

5. Ordinance Adopting the Budget for the City of Selah, Washington for the Year ending December 31, 2016

Clerk/Treasurer Novobielski addressed N – 5. He said that the Ordinance before Council is to set the appropriations for next year, with a proposed budget of just under fifteen million dollars.

**Council Member Smeback moved, and Council Member Tierney seconded, to approve the Ordinance Adopting the Budget for the City of Selah, Washington for the Year ending December 31, 2016. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.**

O. Reports/Announcements

1. Mayor

Mayor Gawlik had no report.

2. Council Members

Council Member Ritchie had no report.

Council Member Sample had no report.

Council Member Tierney wished everyone a happy Thanksgiving.

Council Member Smeback echoed Council Member Tierney's sentiment.

Council Member Williams had no report.

### 3. Department

Public Works Director Henne said that he sent an email to Clerk/Treasurer Novobielski, from Ameresco, that Pacific Power would be revising streetlights billing on two of the City's accounts, both flat and metered rates. He noted that they have stopped reading residential meters for the season, and are only doing commercial until next spring. He commented that he's working with the Planning Department on Volunteer Park, to come up with a time schedule.

Community Planner Durant said that the number of applications has died off, and his focus now is the Comprehensive Plan update and UGA. He noted that the Planning Commission had looked at the first two chapters for the Comprehensive Plan update, and that they will start putting them on the website to get more people involved in the process.

Administrative & Marketing Specialist Tait said that the Senior room has new carpet and paint, and that, although the kitchen is still an issue, the inspector came in recently and only found a few minor things.

Council Member Tierney wondered if Civic Center rental contracts could have verbiage requiring rental of facility to include law enforcement officers.

City Attorney Noe responded that he doesn't know how a private citizen would go about securing an officer for their event, and he can't see the Council requiring a private citizen to procure a private police officer.

City Administrator Wayman said that, if an individual wants to have an event, the City couldn't require a police agency to provide personnel. He added that there may be instances where no officers are available.

Police Chief Hayes commented that his department didn't used to provide security for events, and that both CGI and Phoenix have done so in the past. He added that Selah officers are unwilling to do them because they don't get time and a half, and don't receive payment immediately.

Council Member Tierney wondered why they do not pay time and a half and pass those costs on to the person renting the facility.

Police Chief Hayes responded that it's a variable pay scale, and a bit of a mess to deal with.

Administrative & Marketing Specialist Tait felt that more discussion was warranted.

City Administrator Wayman stated that the most important issue is underage drinking; that's what security is there for.

Recreation Manager Brown said that the Selah Park & Recreation Service Area Board passed their bond earlier that month, and is in the process of selling those bonds. He noted that the Board is in the process of drafting an agreement between themselves and the City per recommendation from their bond counsel, which will come before Council in the near future.

City Administrator Wayman noted that the language in the first draft states that the City is not going to be responsible for raising the M&O levy, or for maintaining operations of the pool if the M&O levy doesn't pass.

Council Member Williams commented that the agreement is in draft process; neither the SPRSA nor the Council has reviewed it yet.

Recreation Manager Brown remarked that the first draft has been sent to the SPRSA bond attorney, and the Board will hold a special meeting on December 2<sup>nd</sup> in hopes of getting it on the December 8<sup>th</sup> Council Meeting.

Assistant to the City Administrator Potter said that the Selah School District is holding an event on December 8<sup>th</sup>, from 8-11am, to discuss learning objectives and building plans for the future. He requested that any interested Council Members contact himself or Executive Assistant Lake. He gave a brief update on the Community Planner position, saying that they have received several applications and will schedule interviews. He note that the approval of the 2016 budget means a discussion with the union about the animal control officer position, which will become eighty percent animal control and twenty percent court security.

Mayor Gawlik asked if he would write tickets.

Assistant to the City Administrator Potter responded in the affirmative, saying that he has a limited full commission.

Council Member Williams asked about the latest information from Arnett Muldrow & Associates.

Assistant to the City Administrator Potter replied that he has several pieces but not the entire presentation as of yet.

City Administrator Wayman remarked that they aren't ready to present it yet.

Council Member Ritchie asked if it could be posted on the City's website when it is ready.

Assistant to the City Administrator Potter responded in the affirmative, adding that the SDA intends to share the information with Council in a study session.

Fire Chief Hanna thanked Council for adoption of the budget, and gave a brief update regarding major purchase items in the 2015 budget.

Clerk/Treasurer Novobielski provided a sales tax revenue update.

Police Chief Hayes said that they are in the process of testing for the vacant position, and have reduced the fifteen applicants to seven. Those seven will take the written test on December 8<sup>th</sup>, and Orals on December 16<sup>th</sup>. He hopes to have the new officer ready to go on January 1<sup>st</sup>.

Council Member Tierney asked about the psychological evaluation.

Police Chief Hayes responded that the evaluation is a two-part test, and that they are mandated by RCW to do a polygraph and psych on all candidates, along with a physical.

City Administrator Wayman had no report.

City Attorney Noe had no report.

4. Boards

a. Planning Commission Minutes – November 3, 2015 Meeting

Council took a ten minute recess.

P. Executive Session

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

Council went into Executive Session at 9:04pm. At 9:19pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Q. Adjournment

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

The meeting adjourned at 9:19 pm.

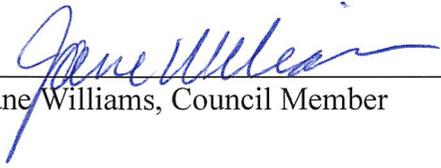
  
\_\_\_\_\_  
John Gawlik, Mayor

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

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

\_\_\_\_\_  
Dave Smeback, Council Member

  
\_\_\_\_\_  
Roy Sample, Council Member



---

Jane Williams, Council Member

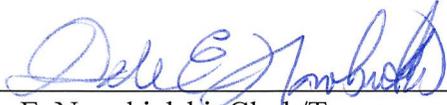


---

Laura Ritchie, Council Member

---

ATTEST:



---

Dale E. Novobielski, Clerk/Treasurer