

City of Selah
Council Minutes
November 26, 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 6:30pm.

He announced that the meeting would recess for 10 minutes to allow the cameraman from Y-PAC time to return to City Hall with his missing equipment.

At 6:40pm, Council went back on the record.

B. Roll Call

Members Present: Paul Overby; John Tierney; Allen Schmid; Brooke Finch; Carl Torkelson

Members Excused: Keith Larson; Dave Smeback

Staff Present: David Kelly, City Administrator; Bob Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Gary Hanna, Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Council Member Torkelson led the Pledge of Allegiance. Pastor Daniel Burrow led the opening prayer.

D. Agenda Changes

Add to Agenda:

1. Ordinance N – 2 Ordinance of the City of Selah, Washington, granting an Electric Utility Franchise and General Utility Easement to PacifiCorp

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

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

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Roy Sample, 1304 Heritage Hills Place, approached the podium and addressed the Council. He expressed some concern regarding the City's handling of latecomers agreements, adding that he has researched the matter with Municipal Research as well as looking into how other cities handle them. He stated that Selah is not a proponent of them, but he believes it would be a benefit to community. He requested that Council discuss the matter at a future Council Meeting, saying that he would like to discuss the matter with them at that time.

Mayor Gawlik replied that it will be put on the agenda for either December or January.

Mr. Sample responded that he would prefer to have it discussed prior to the start of his term.

City Administrator Kelly requested that he bring in any information on the subject prior to the next Council Meeting.

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

2. Written

- a. Basin Disposal of Yakima, LLC re: Recycling Data Report for Third Quarter of 2013

H. Proclamations/Announcements **None**

I. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

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

- * 1. Approval of Minutes: November 12, 2013 Council Meeting
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 76869 – 76915 for a total of \$147,005.80
 - Payroll Checks Nos. 76916 – 76954 for a total of \$108,900.84
 - Payroll Checks Nos. 76955 – 76989 for a total of \$187,445.25
 - Claim Checks Nos. 62952 – 63013 for a total of \$162,900.75
- * 3. Resolution M – 2 Resolution Authorizing the Mayor to Sign a Contract with Yakima Valley Conference of Governments for Technical Assistance for the Year 2014
- * 4. Resolution M – 3 Resolution Authorizing the Mayor to Sign the Interlocal Correction / Detention Agreement with the Yakima County Department of Corrections for 2014

Council Member Schmid 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 Consider a Utility Franchise for Pacificorp DBA Pacific Power

City Administrator Kelly addressed J – 1. He said that the City has the opportunity every twenty years to consider whether to continue their arrangement with Pacific Power and that it has been twenty years since the agreement was last signed. He noted that the agreement included in their packets has been reviewed by staff, and that there is a representative from Pacific Power in the audience to answer questions they may have.

Mayor Gawlik opened the hearing.

Bill Clemens approached the podium and addressed the Council. He introduced himself, saying that he is the Regional Community Manager for Pacific Power in Washington State. He said that the agreement contains standard contract language, adding that he appreciates Council considering the matter for approval tonight.

Council Member Tierney wondered if there were other power utilities available to compete with Pacific Power.

Mr. Clemens responded that it is a non-exclusive franchise agreement; the City can grant franchises as it sees fit.

Council Member Tierney asked if they would remove the poles and lines if the City granted a franchise agreement to another public utility.

Mr. Clemens replied that it is a difficult question to answer, as there are a lot of variables and it would depend on the specific situation. He went on to say that there are no designated service territories in Washington State, and that duplication of service doesn't make a whole lot of sense. He noted that there are states with competition, but they compete over energy, not franchise rights.

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

2. 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

City Attorney Noe addressed J – 2. He said that Council considered a moratorium last month and that State statute requires a public hearing to be held within sixty days to determine whether to keep the moratorium in place. He went on to say that he provided Mayor Gawlik and City Administrator Kelly with a letter from the Liquor Control Board to the Attorney General's Office inquiring about whether cities could ban the production, processing and dispensing of cannabis outright or if they were able to put in place more restrictive zoning laws than what the Liquor Control Board may come up with.

Mayor Gawlik remarked that at least two to three cities in Washington have already stated that they will opt out of allowing cannabis.

City Attorney Noe commented that some cities are taking the position that they can ban cannabis altogether.

Mayor Gawlik opened the hearing.

Carmen Mendez, Executive Director of Safe Yakima Valley, approached the podium and addressed the Council. She read aloud a prepared statement in support of the moratorium and encouraged the Council to ban the opening of any marijuana businesses within the City limits. She handed her prepared statement to the Mayor for entry in the public record.

Bruce Williams approached the podium and addressed the Council. He asked the Council Members to educate themselves on marijuana usage and its effects on municipalities to enable them to make an informed decision regarding this issue. He talked about the effects of legalizing marijuana, citing examples from California and Europe, particularly Holland, adding that European governments are trying to get rid of marijuana and drug houses. He expressed concern over the possibility of ads in various media extolling the wares of various merchants in the valley, and the possibility of it turning the Wednesday Market into a marijuana gathering. He talked about the damage that marijuana usage can cause, saying that all brain functions are electrochemical functions, and marijuana causes temporary or permanent damage to brain function, which in turn causes behavioral problems, cognitive issues, and mental illness due to marijuana usage. He stated that marijuana produces crippled adults and children and that the Council should fight for the emotional wellbeing of citizens by denying anyone the right to sell, manufacture or distribute marijuana in the City. He noted that he is not referring to medical marijuana.

Council Member Tierney asked Police Chief Hayes how many Drug Recognition Experts (DRE) he had.

Police Chief Hayes replied that the City has no DREs at this time; if they need one he can call the City of Yakima, Yakima County or the State Patrol for assistance.

Council Member Tierney wondered what it would cost to get one for Selah.

Police Chief Hayes responded that it would be a minimum of a couple grand.

Sandy McCoy approached the podium and addressed the Council. She asked if the increase in crime in California was due to legalization of marijuana, or if it was because of state of the economy.

Mr. Williams replied that his data was only regarding drug usage.

Ms. McCoy remarked that the state has legalized personal use of marijuana.

City Attorney Noe observed that one can only legally use it if they are over twenty-one.

Ms. McCoy wondered about establishments.

City Attorney Noe replied that, if a business sells it, that is a different issue, and that is what the Liquor Control Board is trying to put together. He noted that the moratorium allows the City time to adjust to the measure, and that they are waiting for the Liquor Control Board to come up with a body of regulations similar to liquor store regulations.

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

3. Public hearing to discuss the proposed 2014 budget for the City of Selah

Clerk/Treasurer Novobielski addressed J – 3. He briefly reviewed the proposed 2014 budget, saying that this is a balanced budget with strong revenues and limited transfers from reserves. He noted that there is a three percent proposed rate increase for water and sewer, although there is no rate change for solid waste.

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

K. New Business

None

L. Old Business None

M. Resolutions

1. Resolution confirming the Mayor's appointment of Bronson Faul to the position of Municipal Court Judge and authorizing the Mayor to sign a Contract with Bronson Faul for Municipal Court Judge services

City Administrator Kelly addressed M – 1. He said that the City was able to negotiate a lower rate during discussions with Bronson Faul, which will save them approximately four thousand dollars on an annual basis.

Council Member Tierney expressed his concern regarding the sitting judge.

City Attorney Noe responded that the matter has been resolved to City's satisfaction. He went on to say that statute requires the judge to be on a four year schedule, and that the current judge's term would end this year based on statute.

Mayor Gawlik commented that the current judge did not file an application to continue serving in the position.

Council Member Overby moved, and Council Member Torkelson seconded, to approve the Resolution confirming the Mayor's appointment of Bronson Faul to the position of Municipal Court Judge and authorizing the Mayor to sign a Contract with Bronson Faul for Municipal Court Judge services. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

- * 2. Resolution Authorizing the Mayor to Sign a Contract with Yakima Valley Conference of Governments for Technical Assistance for the Year 2014
- * 3. Resolution Authorizing the Mayor to Sign the Interlocal Correction / Detention Agreement with the Yakima County Department of Corrections for 2014
4. Resolution authorizing the Mayor to Sign a US VEBA Trust Cooperative Agreement

City Administrator Kelly addressed M – 4. He reminded Council that they have previously discussed this matter and briefly reviewed his request for Council to allow him to sit on the board and facilitate bringing a new VEBA organization into Washington State. He remarked that this will give local government employees an opportunity to choose between to VEBA providers rather than only having the one option available at this time.

Council Member Schmid asked if any City employees belonged to the current one.

City Administrator Kelly replied that the members of both unions, or approximately half of the City employees, have the opportunity to do so.

Council Member Tierney moved, and Council Member Finch seconded, to approve the Resolution authorizing the Mayor to Sign a US VEBA Trust Cooperative Agreement. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

5. Resolution Authorizing the Establishment of the Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association ("HRA VEBA") Plans

Clerk/Treasurer Novobielski addressed M – 5. He said that the current VEBA requested a copy of the City's VEBA Resolution for those Teamster employees who currently participate in VEBA, and that a search revealed that the City had no such Resolution. He went on to say that, to ensure that the provider is acting appropriately, he is requesting that Council approve the Resolution to allow the Teamsters to continue using the program.

Council Member Overby moved, and Council Member Torkelson seconded, to postpone the Resolution Authorizing the Establishment of the Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association ("HRA VEBA") Plans. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

N. Ordinances

1. Ordinance Adopting the Budget for the City of Selah, Washington for the Year ending December 31, 2014

Clerk/Treasurer Novobielski addressed N – 1. He stated that he provided Council with the details of the budget during the Public Hearing held earlier, and that this Ordinance is a two page document that will formally document and put into place all of the items discussed. He noted that the total expenditures amounted to seventeen million, one hundred forty-seven thousand eight hundred and forty-two dollars, which left approximately five point five million for non-budgeted items and reserves.

Council Member Schmid moved, and Council Member Finch seconded, to Approve the Ordinance Adopting the Budget for the City of Selah, Washington for the Year ending December 31, 2014. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

2. Ordinance of the City of Selah, Washington, granting an Electric Utility Franchise and General Utility Easement to PacifiCorp

City Administrator Kelly addressed N – 2. He stated that this is the formal action needed to put the franchise agreement in place.

Council Member Schmid moved, and Council Member Finch seconded, to Approve the Ordinance of the City of Selah, Washington, granting an Electric Utility Franchise and General Utility Easement to PacifiCorp. Roll was called: Council Member Overby – yes; Council Member Tierney – no; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. Motion passed with four yes votes and one no vote.

O. Communications

1. Oral

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

P. Reports/Announcements

1. Mayor

Mayor Gawlik expressed his thanks to the Department Heads for their hard work on budget preparation and presentations and wished the citizens a happy and safe Thanksgiving.

2. Council Members

Council Member Tierney said that he was absent last meeting due to his granddaughter giving birth to her second girl. He noted that she had some initial health issues, and spent eleven days in prenatal intensive care, but she is now home and doing well. He was thankful for having a healthy newborn and a healthy well-rounded family.

Council Member Torkelson had no report.

Council Member Overby remarked that he read some interesting news in paper regarding HopeSource, that they are pulling the Selah route after having an agreement with the City. He felt that they needed more research about that, saying that he was disappointed with their actions.

Mayor Gawlik responded that the City was not officially advised of the decision, saying that he found out from a reporter. He wondered why the City wasn't properly notified, adding that the issue of a thirty-five hundred dollar expenditure for parking lot improvements was also of concern to him.

City Administrator Kelly stated that he will do some digging and have more answers at the next Council Meeting.

Council Member Overby said that his biggest concern is with them pulling the plug, although it would have been nice to know before the City expended the money for improvements. He expressed his hope that Pacific Power will be able to keep birds out of the substation.

Mr. Clemens responded that they went through extensive designs for bird protection, and are approximately seventy percent completed at this time, with plans to finish up the first part of next year.

City Administrator Kelly asked what that entailed.

Mr. Clemens replied that there are round discs that prevent birds from spreading their wings between the energized pieces. He said that there is still a concern about protecting connectors. He went on to say that the new substation planned for Selah will take some of the load off of the existing substation, and that the new one comes with protection already in place. He noted that none of these problems occurred until this year, saying that an invasive species of bird has moved into the Yakima Valley.

City Administrator Kelly asked when it would be one hundred percent complete.

Mr. Clemens responded that it will be the first part of next year, saying that they had to re-engineer the typical protection but they think they have it figured out.

Mayor Gawlik observed that emergency services in Selah are well-practiced in responding to a substation outage emergency.

Council Member Schmid wished everyone a happy Thanksgiving and safe travels.

Council Member Finch wondered if Pacific Power had a site for the new substation.

Mr. Clemens replied that they have not selected one yet.

Council Member Finch wished everyone a happy Thanksgiving.

3. Boards **None**

4. Departmental

Public Works Director Henne said that everything going well; they have a lot of stuff going on. He thanked Council for approving the budget, saying that he felt it was a good budget

Community Planner Davison said that the Planning Commission is preparing to consider Tree Top's request for a Comprehensive Plan amendment and rezone to Industrial, and that he has a request from Council Member Torkelson for a subdivision at the south end of town. He commented that City Administrator Kelly will be working on a triplex matter, and that there is a construction company pushing to commence construction on the Fremont Heights project. He noted that he has heard nothing regarding the annexation proposal.

Mayor Gawlik wondered when he expects a response.

Community Planner Davison replied that he assumes it will be the second or third week of December, adding that the biggest fear is that they assume jurisdiction, in which case he won't hear anything until January. He anticipates that it will be approved in December.

Clerk/Treasurer Novobielski had no report.

Mayor Gawlik asked the two Council Members elect if they would like to speak.

Mr. Sample thanked him for the offer but declined to speak further.

Jane Williams commented that her husband didn't introduce himself as an occupational nurse at the Yakima Training Center when he spoke earlier. She added that he has seen the cause and effect of marijuana on a first hand basis, and that she appreciates the words he and the other individuals said. She observed that is it a heavy decision to go against a State mandate, adding that the Council is supposed to be looking out for what is best for Selah.

Fire Chief Hanna mirrored what Public Works Director Henne said regarding his appreciation for the budget approval, adding that he will continue to be frugal with funds and get the best bang for the buck.

City Administrator Kelly had no report, but said that he appreciated the work that the department heads did to present the budget to Council. He remarked that Council can always do a budget amendment if needed.

City Attorney Noe had no report.

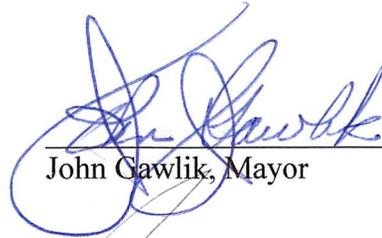
7:38 Police Chief Hayes thanked Council for approving the budget, saying that he will do his best to spend it wisely. He said that Officer Singletary is doing well at the academy, and that he is receiving a weekly letter regarding his training. He commended Council Member Torkelson for the nice-looking Council Chambers being created in the old library space. He commented that is was a dark week for the Police department, with people doing silly things during this dark time of year. He remarked that was pretty emotional and has shown a

few of them that they have some chinks in their armor. He encouraged everyone to help those with depression and other issues to get the help they need.

R. Adjournment

Council Member Finch moved, and Council Member Schmid seconded, that the meeting be adjourned. Motion passed with four yes votes and one no vote.

The meeting adjourned at 7:41pm.



John Cawlik, Mayor



Paul Overby, Council Member

EXCUSED
Keith Larson, Council Member

EXCUSED
John Tierney, Council Member



Allen Schmid, Council Member

EXCUSED
Dave Smeback, Council Member

EXCUSED
Brooke Finch, Council Member

EXCUSED
Carl Torkelson, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer