

City of Selah  
Council Minutes  
October 26, 2010

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

A. Call to Order Mayor Jones called the meeting to order at 4:01pm.

B. Roll Call

Members Present: Paul Overby, John Tierney, Kevin Jorgensen, Dave Smeback, John Gawlik, Allen Schmid

Members Excused: Keith Larson

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Jeff Hagler, Parks & Recreation Director; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jerry Davis, Fire Chief; Stacy Dwarshuis, Police Chief; Dale Novobielski, Clerk/Treasurer; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Councilman Jorgensen led the Pledge of Allegiance. Pastor Jason Williams led the opening prayer.

D. Agenda Changes

Mayor Jones noted Agenda changes as printed.

1. M – 7 Resolution Approving the Preliminary Plat of Fifth Street Estates (912.79.10-01) and Adopting Findings and Conditions of Preliminary Plat Approval
2. N – 1 Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.79.10-01 Rezone to Planned Development (PD)

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral
2. Written

- a. Letters from Mrs. Bishop's Class thanking Police Chief Stacy Dwarshuis and Master Patrol Officer Gerald Smith for their Assistance in Keeping the Students Safe when Visiting their Field Study Site.

H. Proclamations/Announcements

I. Consent Agenda

**Councilman Overby moved and Councilman Jorgensen seconded the addition of Resolutions M-4 and M-5 to the Consent Agenda as read. By voice vote, approval was unanimous.**

Mayor Jones read the Consent Agenda.

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

- \* 1. Approval of Minutes: Study Session & Council Meeting October 12, 2010
- \* 2. Approval of Claims & Payroll:
  - Payroll Checks Nos. 69572 – 69728 for a total of \$162,560.97
  - Claim Checks No. 57075 for a total of \$ 1,534.66
  - Claim Checks Nos. 57076 – 57149 for a total of \$166,860.75
- \* 3. Resolution M – 2 Resolution Authorizing the Mayor to Sign a Memorandum of Understanding for the Eschbach Park Surplus Property with Yakima County Public Services
- \* 4. Resolution M – 4 Resolution to Authorize the Mayor to Sign an Addendum for the proposed new Public Works Maintenance Facility, Addendum No. 1
- \* 5. Resolution M – 5 Resolution to Authorize the Mayor to Sign an Agreement for South Rushmore Road Improvements – Congestion Mitigation Air Quality (CMAQ) Funded Paving
- \* 6. Resolution M – 6 Resolution for Well No. 8 – Drinking Water State Revolving Fund (DWSRF) Project Completion and Final Voucher

**Councilman Overby moved and Councilman Gawlik seconded to adopt the Consent Agenda as read. By voice vote, approval was unanimous.**

J. Public Hearings

1. Public Hearing – “James-Smith Annexation” (920.45.09-02)

Community Planner Dennis Davison addressed Public Hearing J-1. He referenced an Outside Utility Agreement previously voted in by the Council, and stated that the 3 property owners would now like to be annexed into the City of Selah. He referenced a petition accepted by the Council in November 2009 and briefly explained the staff report. He pointed out a potential conflict with the zoning and explained why the recommendation of staff is to keep it zoned R-2 and to amend the Comprehensive Plan.

Councilman Tierney asked if the area has been inventoried regarding R-2 and R-1 structures, and what the surrounding lands are zoned.

Community Planner Davison went into greater detail on why it should be zoned R-2, and why the Comprehensive Plan had noted it as being R-1.

Councilman Tierney expressed concern on whether it was more important to leave it zoned as R-2, or to comply with the previously adopted Comprehensive Plan.

Community Planner Davison stated that was the Council's decision.

Councilman Gawlik inquired about the annexation of the roads along with the properties.

Public Works Director Henne stated that the roads are currently all in the County.

The Mayor opened the Public Hearing, and when no one approached to speak, he closed it.

## 2. Public Hearing – Revenue Sources for the 2011 Budget

Clerk/Treasurer Dale Novobielski addressed Public Hearing J-2. He spoke about revenue sources, including a 1% property increase and new construction taxes, as well as proposed changes in utility rates for 2011. He also mentioned that the Parks & Recreation Department is reevaluating their fees for recreation activities.

The Mayor opened the Public Hearing, and when no one approached to speak, he closed it.

## K. New Business

### 1. Findings of Fact – James-Smith Annexation (920.45.09-02)

Community Planner Davison addressed New Business K-1. He read the proposed Findings of Fact to the Council, and included the addition of R-2 zoning wording to the document.

Councilman Tierney directed question to City Attorney Noe in regards to R-1 versus R-2 zoning.

City Attorney Noe expressed his opinion as to the legal issues involved, and recommended zoning it consistent with the Comprehensive Plan.

Councilman Overby asked if the proponents were aware of how the properties would be zoned if they were annexed into the City.

The Community Planner responded that he has talked to Mr. James, and that he was advised the recommendation was to leave it zoned R-2 but it was up to the Council to decide.

Councilman Schmid expressed concern as to whether all the property owners, including those around it, were aware of the proposed annexation and the R-2 zoning.

The Community Planner replied that the surrounding properties had been notified of the public hearing.

Councilman Jorgensen noted that the properties in question are currently zoned R-2, and that the proposal is not to change the zoning.

Councilman Smeback commented that no one likes to see 10 acres of R-2 come in all at once.

The Mayor said that anything along an arterial is generally zoned R-2; in this case due to traffic and close proximity to the High school.

Councilman Gawlik asked if the property owners had indicated whether they would rather be zoned as R-1 or R-2.

Mr. Smith, one of the property owners, stated that he and the Bowers are both fine with being zoned R-2.

**Councilman Tierney moved to accept the Findings of Fact – James-Smith Annexation. Councilman Overby seconded. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

L. Old Business

1. Resolution Authorizing the Purchase of a Play Structure for Wixson Park, with the Community Contributing 50% of the Total Costs

Parks & Recreation Director Jeff Hagler addressed Old Business L-1. He briefly summarized the history of this project, and touched on the final version of the Play Structure to be purchased. The Mayor expressed his appreciation for the community's assistance in raising funds for the purchase of this equipment.

**Councilman Jorgensen moved to accept the Resolution Authorizing the Purchase of a Play Structure for Wixson Park, with the Community Contributing 50% of the Total Costs. Councilman Tierney seconded. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

2. Findings, Conclusions, and Decision regarding the FIFTH STREET ESTATES

Community Planner Dennis Davison addressed Old Business L-2. He briefly explained the document prepared for the Council to approve, based on the decision voted on at the last Council meeting.

City Attorney Bob Noe explained the signature page to the Council Members, noting that the no and abstain votes are indicated on their signature lines.

Councilman Smeback asked about the wording on page 7 of the document, and his understanding that it is the City's responsibility to insure the proponents are in compliance with their codes and standards, not the proponent's.

The City Attorney responded that the burden of proof usually resided with the proponent, but due to our vague standards the burden shifts to the City, and this is what the Hearing Examiner struggled with.

**Councilman Smeback moved that the Council approve the Findings, Conclusions, and Decision regarding the Fifth Street Estates. Councilman Jorgensen seconded. Roll was called: Council Member Overby – yes; Council Member Tierney – no; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – abstain; Council Member Schmid - abstain. Motion carried with 3 voting aye, 1 voting no and 2 abstentions.**

M. Resolutions

1. Resolution Authorizing the Mayor to Sign a Memorandum of Understanding for the Yakima River Canyon Scenic Byway Initiative between Various Parties

Parks & Recreation Director Jeff Hagler addressed Resolution M-1. He briefly explained the intent behind the document, and the benefits to Selah in joining with these various groups and agencies.

The Mayor shared his observations of the byway, and how he believes it will be developed in the future. He mentioned the benefits that Selah will gain from this, especially in regards to tourism.

**Councilman Overby moved to accept the Resolution Authorizing the Mayor to Sign a Memorandum of Understanding for the Yakima River Canyon Scenic Byway Initiative. Councilman Schmid seconded. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – yes; Council Member Schmid - yes. By voice vote, approval was unanimous.**

- \* 2. Resolution Authorizing the Mayor to Sign a Memorandum of Understanding for the Eschbach Park Surplus Property with Yakima County Public Services
3. Resolution for Engineering Services, Consultant Agreement 2011 to 2013

Public Works Director Joe Henne addressed Resolution M-3. He explained the process followed to obtain bids, and how the decision was reached.

Councilman Tierney expressed his concern for signing a 3 year contract from a financial point of view. He felt that obligating future finances was inappropriate, and the contract should be for one year only.

The Mayor said that we can control how much we use Huibregtse Louman.

The City Supervisor pointed out the termination option on page 3 of the agreement.

The Mayor shared his previous experiences in working with an outside consultant versus a local firm.

Councilman Jorgensen clarified that we can control the amount of engineering work done, and that there is a 30 day termination clause that can be used at any time.

The City Supervisor noted that this is not an exclusive agreement, and that the City is free to use another engineering firm if they wish.

**Councilman Jorgensen moved that the Council approve the Resolution for Engineering Services, Consultant Agreement for 2011 to 2013. Councilman Smeback seconded. Roll was called: Council Member Overby – yes; Council Member Tierney – no; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – no; Council Member Schmid - yes. Motion carried with 4 voting aye and 2 voting no.**

- \* 4. Resolution to Authorize the Mayor to Sign an Addendum for the proposed new Public Works Maintenance Facility, Addendum No. 1
- \* 5. Resolution to Authorize the Mayor to Sign an Agreement for South Rushmore Road Improvements – Congestion Mitigation Air Quality (CMAQ) Funded Paving
- \* 6. Resolution for Well No. 8 – Drinking Water State Revolving Fund (DWSRF) Project Completion and Final Voucher
- 7. Resolution Approving the Preliminary Plat of Fifth Street Estates (912.79.10-01) and Adopting Findings and Conditions of Preliminary Plat Approval

Community Planner Dennis Davison addressed Resolution M-7. He briefly explained the Resolution, based on the vote taken at the last Council meeting.

**Councilman Overby moved that the Council approve the Resolution Approving the Preliminary Plat of Fifth Street Estates (912.79.10-01) and Adopting Findings and Conditions of Preliminary Plat Approval. Councilman Jorgensen seconded. Roll was called: Council Member Overby – yes; Council Member Tierney – no; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – abstain; Council Member Schmid - abstain. Motion carried with 3 voting aye, 1 voting no and 2 abstentions.**

N. Ordinances

- 1. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.79.10-01 Rezone to Planned Development (PD)

Community Planner Dennis Davison addressed Ordinance N-1. He briefly explained the purpose of the ordinance, and that it is based on the previous Council vote.

**Councilman Jorgensen moved that the Council approve the ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.79.10-01 Rezone to Planned Development (PD). Councilman Smeback seconded. Roll was called: Council Member Overby – yes; Council Member Tierney – no; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Gawlik – abstain; Council Member Schmid - abstain. Motion carried with 3 voting aye, 1 voting no and 2 abstentions.**

O. Communications

- 1. Oral

P. Reports/Announcements

1. Mayor

2. Council Members

Councilman Tierney had no report.

Councilman Gawlik had no report.

Councilman Jorgensen had no report.

Councilman Schmid touched on the Sports Commission meeting he attended the previous week, and mentioned the tournaments awarded to Selah for 2011. He also mentioned the Gang Commission meeting, their guest speaker from the FBI, and the issues discussed.

Councilman Smeback joked about having kayak lessons at the Treatment Plant.

Councilman Overby had no report.

3. Boards

4. Departmental

Public Works Director Joe Henne spoke about their preparations for winter, checking on meters, and that the deicer has been ordered.

Clerk/Treasurer Dale Novobielski had no report.

Community Planner Dennis Davison stated that he will be doing the paperwork to present the annexation to boundary review board. He also said that Planning Commission will be holding 3 hearings in November and 4 hearings in December on the Comprehensive Plan, and noted when the Council will receive notifications on these.

Fire Chief Jerry Davis said they are winterizing the fire stations, and he is currently attending budget meetings for the Fire Department.

Parks and Recreation Director Jeff Hagler pointed out the Eschbach Park item from the consent agenda, and touched on the quantity of items Selah received.

Mayor complimented Director Hagler on the amount of equipment and items obtained from Eschbach Park.

Director Hagler also touched on the Tourism project, and noted that the Council Members could request any of the appendix items.

Police Chief Stacy Dwarshuis spoke on the integration of the Public Safety System, the timeline and the training currently underway. He reminded the Council that Halloween is this Sunday, and to drive carefully and watch for trick or treaters. He also mentioned the Chamber's business trick or treat happening on Friday afternoon.

City Attorney Bob Noe had no report.

City Supervisor Frank Sweet had a quick update regarding the 2011 Budget meetings. He briefly reminded the Council of the schedule of upcoming meetings.

The Mayor stated that there would be a 1-3% cut in the budget if both Initiatives pass, and his hope that they don't both pass.

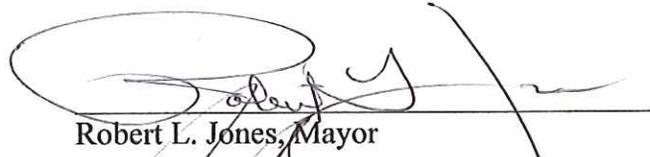
Q. Executive Session

No Executive Session was scheduled.

R. Adjournment

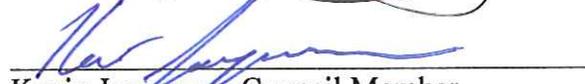
**Council Member Jorgensen moved, and Council Member Overby seconded that the meeting be adjourned. By voice vote, the motion passed unanimously.**

The meeting adjourned at 4:55pm.

  
Robert L. Jones, Mayor

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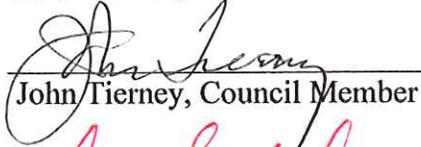
  
Paul Overby, Council Member

  
Kevin Jorgensen, Council Member

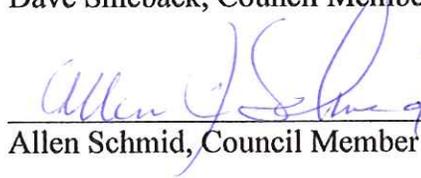
  
John Gawlik, Council Member

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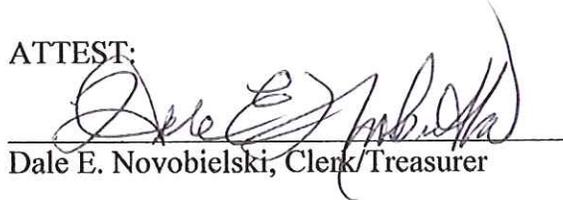
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Keith Larson, Council Member

  
John Tierney, Council Member

  
Dave Smeback, Council Member

  
Allen Schmid, Council Member

ATTEST:

  
Dale E. Novobielski, Clerk/Treasurer