

City of Selah
Council Minutes
October 13, 2009

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

A. Call to Order Mayor Pro Tem Larson called the meeting to order at 3:59pm.

B. Roll Call

Members Present: Keith Larson, Denise Nichols, Kevin Jorgensen, Paul Overby, John Tierney, Dave Smeback

Members Excused: Summer Derrey

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Jerry Davis, Fire Chief; Stacy Dwarshuis, Police Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jeff Hagler, Parks & Recreation Director

C. Pledge of Allegiance

Councilman Overby led the Pledge of Allegiance. Pastor Mark Griesse from Peace Lutheran Church led the group in prayer.

D. Agenda Changes

The Mayor Pro Tem noted Agenda changes: the addition of Resolution M - 7 and the substitution of a revised version of Ordinance N - 2.

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

Jerry Henry, 60 South Rushmore, introduced Brittany Sterling, 2009 Miss Selah. She presented a plaque to Mayor Pro Tem Larson.

The Mayor Pro Tem read the message on the plaque which thanked the Mayor for his support of the float and his display of the flags.

Mr. Henry and Miss Selah also presented a plaque to City Supervisor Frank Sweet.

Mayor Pro Tem Keith Larson thanked the Henrys on behalf of the City of Selah for all of their hard work on the float through the years.

Jerry Henry reported that this was a strange year where the float won 8 first places and nothing in the other 8 parades in which they participated.

Miss Selah thanked the Council for their support.

2. Written

- a. Letter from Heather Tarr, Coach of the 2009 National Champion Fastpitch Team

The Mayor Pro Tem noted the letter received from Heather Tarr. He asked Allen Schmid if he had anything to add.

Mr. Schmid declined.

Councilman Smeback asked Mr. Schmid for information about how much money was raised.

Allen Schmid reported it was a tremendous success. He said on Saturday 600-700 people watched the games and that evening "Dine with the Huskies" was held with 260 attendees. The raffle and auction which followed received many generous contributions. He said the total between dinner, the auction, and the clinics that 150 girls participated in raised \$26-27,000 for the Husky softball program.

H. Proclamations/Announcements

I. Consent Agenda

Councilman Overby moved to add M-1, M-3 & M-4 to the Consent Agenda. Councilman Jorgensen seconded. By voice vote, the Consent Agenda was unanimously amended to include M-1, M-3 & M-4.

Mayor Pro Tem Larson read the Consent Agenda as amended.

Councilman Overby moved approval of the Consent Agenda. Councilwoman Nichols seconded. By voice vote, the Consent Agenda was unanimously adopted.

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

- * 1. Approval of Minutes: Council Minutes September 22, 2009
- * 2. Approval of Claims & Payroll:
 - Claims Checks Nos. 54928 – 55052 for a total of \$ 586,370.43
 - Payroll Checks Nos. 66896 – 66984 for a total of \$ 175,735.96
- * 3. Item M – 1, Resolution Authorizing the Mayor Pro Tem To Sign the Drinking Water State Revolving Fund Loan Agreement Number 05-96300-023 Amendment
- * 4. Item M – 3, Resolution Authorizing the Mayor Pro Tem To Sign an Updated Section 125 Cafeteria Plan

- * 5. Item M – 4 Resolution Awarding the Bid for Removal of Poplar Trees and Stumps east of the Pretreatment Facility to Green Baron

J. Public Hearings

K. New Business

L. Old Business

M. Resolutions

- * 1. Resolution Authorizing the Mayor Pro Tem To Sign the Drinking Water State Revolving Fund Loan Agreement Number 05-96300-023 Amendment
- 2. Resolution Accepting the Rutger “Notice of Intent to Annex Petition” with Four Conditions

Community Planner Dennis Davison addressed Resolution M - 2 noting the proponent has been presented with cost estimates to make road modifications discussed by Council Members that would address the concerns expressed by the City. He said she is considering those at present.

Councilwoman Nichols moved to table the Resolution Accepting the Rutger “Notice of Intent to Annex Petition” with Four Conditions to the October 27, 2009 Council Meeting. Councilman Overby seconded. Roll was called: Council Member Overby – yes; Council Member Nichols – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

- * 3. Resolution Authorizing the Mayor Pro Tem To Sign an Updated Section 125 Cafeteria Plan
- * 4. Resolution Awarding the Bid for Removal of Poplar Trees and Stumps east of the Pretreatment Facility to Green Baron
- 5. Resolution Initiating the City’s Intent To Vacate a Portion of Railroad Avenue Right-of-Way Located at Its Intersection with East Naches Avenue

Community Planner Dennis Davison addressed Resolution M - 5 noting the City has been working with DOT to implement the Wenas Corridor improvements, and they hope to eliminate the "jog" in Railroad Ave. where it crosses East Naches. He said this was initiated by the City, and Resolution M-5 establishes the intent to vacate that right-of-way.

Councilman Tierney moved to approve the Resolution Initiating the City’s Intent To Vacate a Portion of Railroad Avenue Right-of-Way Located at Its Intersection with East Naches Avenue. Councilman Smeback seconded. Roll was called: Council Member Overby – yes; Council Member Nichols – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

- 6. Resolution Establishing November 10, 2009 as the Date To Conduct a Public Hearing To Consider the Vacation of a Portion of Railroad Avenue Right-of-Way Located at Its Intersection with East Naches Avenue

Community Planner Dennis Davison explained that Resolution M - 6 will set the Public Hearing on the Railroad Avenue vacation. He said Public Works will provide public notice in the newspaper and send notices to fruit companies who may use that road.

Councilman Tierney moved to approve the Resolution Establishing November 10, 2009 as the Date To Conduct a Public Hearing To Consider the Vacation of a Portion of Railroad Avenue Right-of-Way Located at Its Intersection with East Naches Avenue. Councilman Jorgensen seconded. Roll was called: Council Member Overby – yes; Council Member Nichols – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

7. Resolution Authorizing the Mayor Pro Tem to sign the FY 2010-2011 Phase II Stormwater Pass-Through Grants Program Grant Agreement No. G1000265 between the State of Washington Department of Ecology and the City of Selah

Ted Pooler addressed Resolution M – 7, noting a typo in the Resolution Grant number. He explained that about a month ago the Council adopted an agreement with Eco-NW to provide educational services which will be paid for through this grant. He reviewed how the rest of the grant dollars will be spent and enumerated activities covered under this grant.

Councilman Overby moved to approve the Resolution Authorizing the Mayor Pro Tem to sign the FY 2010-2011 Phase II Stormwater Pass-Through Grants Program Grant Agreement No. G1000265 between the State of Washington Department of Ecology and the City of Selah. Councilman Tierney seconded. Roll was called: Council Member Overby – yes; Council Member Nichols – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

N. Ordinances

1. Ordinance Vacating a Portion of East Sixth Avenue Right-of-Way Lying East of South First Street

Community Planner Dennis Davison reviewed Ordinance N-1 which would vacate a portion of East 6th Avenue east of South First Street. He noted this vacation does not include the alley, but it does include a utility easement across the Quesnell's R&Q property.

Councilman Jorgensen moved to approve the Ordinance Vacating a Portion of East Sixth Avenue Right-of-Way Lying East of South First Street . Councilman Overby seconded. Roll was called: Council Member Overby – yes; Council Member Nichols – yes; Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes. Support was unanimous.

2. Ordinance Amending Chapter 4.32 of Selah Municipal Code in Order To Bring that Chapter up-to-date with Current Practices

City Supervisor Frank Sweet reviewed N-2 noting that it is housekeeping, except for the increase in Home Occupation registration will be increased from \$10.00 to \$25.00.

Councilman Overby moved to approve the Ordinance Amending Chapter 4.32 of Selah Municipal Code in Order To Bring that Chapter up-to-date with Current Practices. Councilman Jorgensen

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

3. Ordinance Amending Selah Municipal Code, Title 10, Chapter 10.24 Planned Development (PD) Zoning District

Community Planner Dennis Davison addressed Ordinance N - 1 which is amending Planned Development and zoning requirements. He said it expands and clarifies what already exists. He said this must comply with the zoning and subdivision ordinances.

Councilman Dave Smeback asked what the driving force behind this is.

The Community Planner said this arose from a law suit the City lost on Southern Ave. He said other developers have wanted to build a Planned Development, but they are precluded by the way our ordinances read now, especially the subdivision ordinance which talks about public streets. He said the Planned development is designed to have private streets, variance in lot size requirements, etc. He said several Planning Commission members also wanted Planned Development applications other than residential.

John Tierney asked about Planned Developments being anywhere "subject to requirements in this chapter."

Dennis Davison responded that a Planned Development could be anywhere, provided it goes through the Planning Commission, then on to the Council and it must fall within the guidelines of the Comp Plan or the Comp Plan must be amended to allow it. He noted the Planning Commission will also be presenting amendments to the zoning ordinance to allow private streets. He gave examples of possibilities for Planned Development where the Comp Plan would need to be amended to allow a Planned Development in certain areas. He stressed that a PD would still require approval by the Council.

Councilman Tierney expressed concern about people buying a home that might be adversely impacted by a PD.

Mr. Davison gave an example where the only difference between a gated community and a current neighborhood would be private, rather than public, streets.

The Mayor Pro Tem pointed out that there's a public hearing process before a Planned Development can be approved.

Dennis Davison concurred, noting everyone within 600 feet would be notified.

Councilman Paul Overby noted before they get a PD they would need to change the land-use designation in the Comp Plan, citing Cherry Hills as an example.

Dennis Davison said you would establish a given density in the Comp Plan, and then you'd have to stick to that.

Jane Williams, 701 South Seventh St., asked what law suit Dennis referred to.

Dennis Davison said in the initial plan of 605 Southern, the judge determined the subdivision ordinance of the City did not allow for private streets.

Jane Williams said she believes that the City should have a public hearing before changing this Code/SMC. She asked the Council to research this a little more. She said she didn't believe the Planning Commission put out info when this was to be considered.

Dennis Davison said the PC had study session, which was advertised, and they held a Public Hearing to consider the proposed amendment. He said SMC already includes the possibility of having a Planned Development anywhere in the City. He noted that are just trying to clean up existing codes to make the Planned Development and zoning ordinances more compatible.

Mayor Pro Tem Keith Larson noted the densities have to be consistent with the future land use designations.

The Planner concurred.

Councilman Dave Smeback asked if the Planning Commission is recommending adoption.

The Planner responded that the Planning Commission is recommending adoption.

Paul Overby said it's his understanding that all PDs have had the same problems under Selah Municipal Code, which is why they are cleaning it up now. He noted if any Planned Developments had been challenged, they would have had the same problem as 605 Southern.

Councilman Smeback moved to approve the Ordinance Amending Selah Municipal Code, Title 10, Chapter 10.24 Planned Development (PD) Zoning District. Councilman Jorgensen seconded. Roll was called: Council Member Overby – yes; Council Member Nichols – yes; Council Member Tierney – no; Council Member Jorgensen – yes; Council Member Smeback – yes. Motion carried with Councilman Tierney voting no.

The Mayor Pro Tem moved to Oral Communications and, when no one rose to speak, moved on to reports and announcements.

O. Communications

1. Oral

P. Reports/Announcements

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

a. Update on Skateboard Park

Fire Chief Jerry Davis reported that last week was Fire Prevention Week so they were doing exit drills at schools and held some students and teachers back. He said students did very well at identifying those missing. He noted he has spoken to Council before about the Mobile Data Terminals, and the contracts

for two mobiles were received yesterday. He said those units will go into car 1 and car 2. He said the units came from Homeland Security for about \$24,500.

Community Planner Dennis Davison said things are slow, but people are pursuing annexation. He said there is a daycare on the horizon. He thanked the Police Chief for the speed signs.

Mayor Pro Tem Keith thanked Mr. Henne for the study session to Speyers Road and Well 6.

Public Works Director Joe Henne reported things are not slow for Public Works. He said he hopes Well 8 will be completed by the end of next month so they can contract for the new pump house there. He reported more ROW vacations will be coming to Council for the SR 823 project. He noted Speyers will be paved by the end of October, and they meet with the contractors every Wednesday. He said today the road is rocked all the way, so it should be finished so long as the weather holds.

Parks & Recreation Director Jeff Hagler reported the packet includes an update on the skateboard park. He said he is pleased that it is a family-friendly environment. He thanked the Council for their support.

The Mayor Pro Tem said the Council is pleasantly surprised and pleased.

Mr. Hagler continued, saying Carlon continues to be a great place to bring people into the community. There will be 9 teams in for a college tournament this weekend.

Councilwoman Denise Nichols reported the YVCOG budget will be voted on at their up-coming meeting.

City Supervisor Frank Sweet said Selah faces an 82.8% increase which is based on MPO and transportation money that came into COG, part of which came to the City of Selah. He said there was no advance notice that this was going to happen. He said the COG should have a discussion at the general membership meeting. He noted this year there isn't much we can do about it. He said maybe the COG should go to direct assessment so we could anticipate how much it would be from year to year.

Public works Director Joe Henne said they have money budgeted for planning at \$6 per head based on population. In the last couple of years the state declared there was no direct allocation, rather it would be competitive.

The Community Planner reminded the Council that 2 weeks from now the Matson proposal will be before them.

Councilman Tierney reminded those present of the candidates forum tonight.

The Mayor Pro Tem noted the Council is scheduled for an Executive Session. He released students from the meeting, saying the Council will reconvene in five minutes.

The Council moved into Executive Session at 5:07pm.

Q. Executive Session

1. Executive Session on Real Estate – 15 minutes

R. Regular Session

The Council move back into regular session at 5:18pm

City Supervisor Frank Sweet reported that the City currently has a purchase and sale agreement with Dr. Lloyd Butler for lots 3 and 4. He said Dr. Butler wants to start building on lot 3, and wants to get a lot line adjustment to put part of Lot 3 onto Lot 4 and would like to modify the purchase and sale agreement with a \$10,000 option on Lot 4 for a 24 month period. He noted he has a picture of what the building will look like. He said the agreement would be for the current amount for Lot 4, and he encouraged the Council to approve. He said Dr. Butler wants to start building this fall.

City Attorney Bob Noe said the Council should move to allow reduction of Lot 3 to 45,528 square feet and then to move to enter into an option agreement for the remaining Lot 4, which will be increased in size, at \$10,000 for a 24 month purchase option.

Councilman Overby moved to allow reduction of Lot 3 to 45,528 square feet and then to enter into an option agreement for the remaining Lot 4, which will be increased in size, at \$10,000 for a 24-month purchase option. Councilman Smeback seconded. Roll was called. Council Member Tierney – yes; Council Member Jorgensen – yes; Council Member Smeback – yes; Council Member Overby – yes; Council Member Nichols – yes. Support was unanimous.

Allen Schmid asked if the City would hold a 12-month option for each lot.

Frank Sweet said the City has done that in the past, but this situation is a little different.

S. Adjournment

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

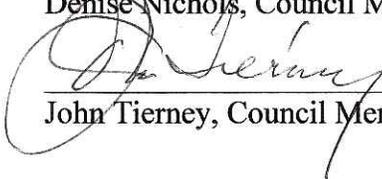
The meeting adjourned at 5:22pm.



Paul Overby, Council Member



Denise Nichols, Council Member



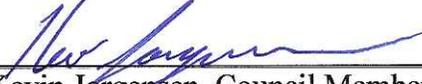
John Tierney, Council Member



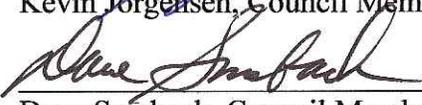
Keith Larson, Mayor Pro Tem



Summer Derrey, Council Member



Kevin Jorgensen, Council Member



Dave Smeback, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer