

Study Session Minutes
Selah City Council
October 14, 2014
3:15pm

Mayor Gawlik opened the Study Session.

City Administrator Kelly reminded Council that they discussed building a new City Hall, and either building or remodeling the Civic Center, at the Council Retreat the previous month. He talked about the financial changes since that meeting, noting where the surplus utility tax monies had been used and presenting other options for financing the projects, such as raising taxes or cutting something else out of the City's annual budget.

Discussion followed on the request for an evidence tech at the Police Station, the need to get a real estimate for the cost of the buildings, Bonds, the number of employees needed to meet current City needs, and creating a long-term plan.

City Administrator Kelly David stated that there will be public forums held on October 23 and November 6, 2014, at 6:30pm in Council Chambers to receive public input on the matter.

The Study Session ended at 3:52pm.

City of Selah
Council Minutes
October 14, 2014

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: Paul Overby; John Tierney; Dave Smeback; Allen Schmid ; Brooke Finch;
Roy Sample

Members Excused: Jane Williams

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

C. Pledge of Allegiance

Council Member Schmid led the Pledge of Allegiance. Pastor Mark Griesse led the opening prayer.

D. Agenda Changes

1. Relocate M – 6, N – 2, and N – 3 to immediately follow the Consent Agenda

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

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

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Rick Betsch approached the podium and addressed the Council. He said that he is promoting the annual fitness challenge; he would like to partner with the City Council and have them become more involved with the health and fitness of the community. He expressed his frustration with Yakima businesses that attempting to get information out, saying that the choices people make today will affect their senior years.

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

2. Written

- a. September 2014 Monthly Report for Building Permit, Animal Control and Code Enforcement

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: September 23, 2014 Council Meeting
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 77902 – 77932 for a total of \$208,446.95
 - Claim Checks Nos. 64594 – 64595 for a total of \$ 149.00
 - Claim Checks Nos. 94596 – 94705 for a total of \$527,121.06
- * 3. Resolution M – 2: Resolution Authorizing the Mayor to sign Task Order 2014-3 between the City of Selah and Huibregtse, Louman Associates, Inc. for Engineering and Surveying Services for the East Goodlander Road Transportation Improvement Board (TIB) Improvements Project
- * 4. Resolution M – 3: Resolution Authorizing the Mayor to sign Task Order 2014-4 between the City of Selah and Huibregtse, Louman, Associates Inc. for Construction services for the East Goodlander Road Water Improvements Project
- * 5. Resolution M – 4: Resolution Authorizing the Mayor to sign Task Order 2014-5 between the City of Selah and Huibregtse, Louman, Associates Inc. for Construction services for sewer system improvements on the Transportation Improvement Board (TIB) East Goodlander Road Improvements Project

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

RELOCATED

Resolution M – 6: Resolution of the City Council adopting the Findings and Recommendation of the Planning Commission and Approving Preliminary Plat No. 912-42.14-05, "Somerset II"

Ordinance N – 2: Ordinance Adopting the Selah Urban Growth Area Comprehensive Plan Amendment 2014-01 (Zuker-Sample L.L.C.) as Recommended by the City of Selah Planning Commission

Ordinance N – 3: Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.42.14-04 Rezone to Planned Development (PD)

City Administrator Kelly advised that it would be appropriate at this time for Council Member Sample to recuse himself.

Council Member Sample recused himself and left Council Chambers.

Mayor Gawlik said that, when the application came to our attention, it was determined time that a number of things were lacking in the application that was submitted, and that after consideration it was decided to recommend to Council that it be remanded back to the Planning Commission for completion. He noted that the recommendation comes from himself and City Administrator Kelly.

Council Member Schmid moved, and Council Member Smeback seconded, to Remand the proposal back to the Planning Commission for further consideration of the major rezone request including the Comprehensive Plan, Zoning change, and Preliminary Plat.

Council Member Tierney asked if the motion applied to all three items or if they would have to be done separately.

Council Member Schmid replied that his motion was all-inclusive.

Council Member Finch remarked that they have a large group in attendance, and she would be interested to hear their comments either for or against Somerset II.

City Attorney Noe responded that the matter has to go back to the Planning Commission; the City Council item is a closed record hearing.

Council Member Finch inquired if there would be an opportunity for the public to address the Council rather than the Planning Commission.

City Attorney Noe replied in the negative, saying that the law provides for an open hearing in front of the Planning Commission and a closed hearing at the Council meeting.

Mayor Gawlik asked at what point in the process would Council be able to hear comments from audience on the recommendation to remand it back to the Planning Commission.

City Attorney Noe responded that Council could hear comments on the issue of remanding it back to the Planning Commission.

Mayor Gawlik inquired if they should act on motion now or wait until the conclusion of comments from those in attendance.

City Attorney Noe said that it is up to him whether to have comments before or after the vote.

Mayor Gawlik opened the meeting, reminding those in attendance that all comments must pertain to the issue of remanding the proposal back to the Planning Commission.

City Administrator Kelly commented that all testimony provided at the Planning Commission hearing is provided to Council in the form of minutes, and that any new comments on the matter need to be brought up at the next Planning Commission meeting.

Mayor Gawlik asked when next scheduled meeting would be.

Community Planner Davison stated that the Planning Commission meets on the first and third Tuesdays of each month, on an as-needed basis, and since November 4th is holiday the next meeting would be November 18th. He noted that a special hearing council be scheduled, and that he will advise if they opt to do so.

Mayor Gawlik reiterated that the next scheduled hearing date is November 18th.

City Administrator Kelly said that they will identify on website when the next meeting will be.

Council Member Tierney wondered if they had addresses for the folks in attendance today.

Mayor Gawlik assumed that those in the audience had signed in, and recommended that they do so if they had not.

Community Planner Davison remarked that he sent out notices to every property owner within six hundred feet of the proposal.

Council Member Tierney suggested mailing notice to all in attendance tonight along with those within six hundred feet.

Wayne Worby approached the podium and addressed the Council. He asked if Council couldn't go back to the open portion of the meeting to allow those who want to speak the opportunity to do so.

City Attorney Noe replied that it is a quasi-judicial meeting, and as such, the Council is required to follow the judicial process in this matter.

Mr. Worby felt that the Council Members needed to see and hear those who had concerns. He added that meetings should never be held before 7pm at night to allow everyone the opportunity to attend and express their wishes on the matter.

Mayor Gawlik informed him that one Council Meeting per month is scheduled at 6:30pm, with the other being at 4pm per the City's Municipal Code, and that they try to schedule the hot button topics for the later meeting to allow those who wish to speak the opportunity to attend.

Mr. Worby inquired if the Planning Commission is under the same restraints regarding meeting times.

Mayor Gawlik responded that their meetings are held in the evening.

Community Planner Davison stated that the Planning Commission meets at 5:30pm.

Brian Richards approached the podium and addressed the Council. He wanted to know where in the Comprehensive Plan or Rules of Order it stated that that asking for a remand of proposal meant that one did not have to schedule a public hearing as they did today.

City Attorney Noe noted that the Planning Commission conducts the open hearing.

Mr. Richards remarked that he was not talking about them, he was talking about the Council, and wondered why they wouldn't do another mailing to discuss the matter with the public.

City Attorney Noe replied that there will be another Planning Commission meeting to discuss the matter further, which will create a record to come back to the Council at a later meeting. He noted that it will not be another hearing.

Mr. Richards wondered where that information came from.

City Attorney Noe responded that it is mandated by State law.

Mr. Richards inquired if they could discuss the missing pieces of the application, and why it was incomplete.

Mayor Gawlik observed that there are a number of questions on the application that need to be answered by the proponent, and that he and City Administrator Kelly opted to recommend that Council remand the matter back to the Planning Commission. He noted that they also had concerns regarding a Planning Commissioner who should have recused himself from the matter.

City Administrator Kelly gave an example of something that should have been included with the application, adding that the proponent had these items available but hadn't included them with the application.

Brian Richards wondered why tonight's meeting was an open hearing on the matter.

Mayor Gawlik replied that, by law, it isn't intended to be.

Mr. Richards responded that the Council is making the decision.

Mayor Gawlik acknowledged his comment, but noted that, by law, that is the only place it can be done.

Mr. Richards stated that the City Council still has to have a hearing on the issue.

City Attorney Noe remarked that the Council reviews the closed record, receives a transcript of the Planning Commission meeting and reviews the documents pertaining to the matter.

Mr. Richards felt that doing it that way didn't make sense.

Mayor Gawlik reiterated that the only place that testimony can be received and recorded is at the Planning Commission hearing per State law; the transcript is then sent to the for them to decide whether to accept or deny it.

Mr. Richards asked why they were notified of the meeting if they aren't allowed to speak.

Community Planner Davison said that statute provides that rezone applications and subdivision applications come to the Council at a public meeting to consider the Planning Commission's recommendation; a Comprehensive Plan amendment is different, the Planning Commission considers the amendment and makes a recommendation, then Council holds a hearing on the Comprehensive Plan amendment only.

Mr. Richards wondered why, if the application is sent back, the process isn't repeated when it's received again.

Council Member Tierney stated that Council will only hear the Comprehensive Plan amendment.

Mr. Richards felt that all three items should be discussed at a public hearing.

City Attorney Noe replied that the zoning request and Comprehensive Plan amendment are consolidated together; when the Planning Commission does their hearing it is for both items, which are then presented to Council at a closed record meeting.

Mr. Richards asked why they were brought here in the first place.

City Attorney Noe responded that perhaps the notice wasn't clear, but this is a but closed record review.

Mayor Gawlik inquired why the letter sent out stated that they could give testimony tonight.

Community Planner Davison replied that Council holds hearing on Comprehensive Plan amendments, and that if they vote to remand the matter back to the Planning Commission then no hearing will be held on the Comprehensive Plan amendment.

City Attorney Noe stated that all items would come back as closed record, not open record.

City Administrator Kelly informed the audience that there will be no public record hearing today, adding that the next letter sent out will be very clear on that; testimony from citizens will be given at the Planning Commission meeting, then the items will be consolidated and come back before Council.

Mr. Richards inquired if the process for this was in the Comprehensive Plan or State RCW?

City Attorney Noe replied that the process is in City's Municipal Code, with an overlay of State law, that only one open record hearing can be held, and that it also provides for consolidation of permits of items such as a major rezone with a Comprehensive Plan amendment. He noted that the City's Code provides for consistency with State law.

Tisha Busey approached the podium and addressed the Council. She said that she owns property in the same location. She stated that she attended the Planning Commission meeting and that she felt it was a very unprofessional one, saying that the Commissioners acted more like consultants to the developer rather than Commissioners concerned with Selah's long-term growth goals. She noted that the Comprehensive Plan outlines the goals of the community for long-range growth; it's designed to reflect the community as a whole, not the needs of one developer, nor should it be amended for one developer. She wondered how the Planning Commissioners could properly implement the Comprehensive Plan, or work within its guidelines, if they don't understand it.

City Attorney Noe observed that the proposal would be denied if the applicant was unable to satisfy all the requirements.

Ms. Busey stated that the Commissioners didn't seem educated; they would look at Mr. Durante or Community Planner Davison for answers. She added that she took the time to read through the City's Comprehensive Plan and read aloud from the section dealing with goals in housing.

Mayor Gawlik responded that he understands what she has said, that Council is interested in what she has to say, and that they will educate the Commissioners about their responsibilities and what is necessary for them to make an informed decision. He noted that they are also discussing the possibility of changing the process to have most, if not all, of these matters go before the Hearing Examiner in lieu of the Planning Commission.

Ms. Busey said that she has been involved in the development of subdivisions, and has attended Hearing Examiner meetings in Yakima County. She felt that it would have appeased people if Council had explained that they can have a say in the process, as it feels like the City is dealing with their property without any say-so from the property owners.

City Attorney Noe replied that she can speak on the closed record.

Ms. Busey remarked that she understands that but others here do not. She asked if there would be an opportunity to speak at a future Council meeting.

Mayor Gawlik wanted her to understand that they respect her property rights and what she wishes to do with her property, adding that the Council is challenged by what law allows them to do or not to do. He

felt that what has happened is simply a miscommunication, and that the Council will do everything they can to make things right.

Attorney Mike Shen, Halverson NW, approached the podium and addressed the Council. He expressed his appreciation for the process and felt that it was a show of good faith on the City's part that staff is arguing for a remand of the application back to the Planning Commission. He thanked City Attorney Noe for clarifying the process for those in attendance and explaining what happens before the Council when a recommendation is made. He noted that, in his previous experience, those who testified at a Planning Commission meeting were allowed to argue, provided they presented no new testimony on the subject. He suggested that Council limit people to three or five minutes, which would require them to organize their thoughts beforehand and be concise when speaking.

Dr. Richard Weller approached the podium and addressed the Council. He indicated that his confusion resulted from a misunderstanding of an open meeting, as his previous experience came from the annexation proposal heard before the Council.

City Attorney Noe clarified that an annexation isn't quasi-judicial, and therefore different laws apply.

Dr. Weller asked if they would be allowed to present testimony again if the matter was remanded to the Planning Commission.

Mayor Gawlik responded in the affirmative.

Dr. Weller said that he sent emails to each Council Member asking for clarification on who chairs the Planning Commission and who sits on the Commission.

Council Member Overby remarked that Council Members cannot have any communication outside of formal channels on a quasi-judicial matter; the only evidence they can consider is what takes place in the public hearing held by the Planning Commission.

Dr. Weller said he looked for information on the Planning Commission on the City's website.

Mr. Worby approached the podium once again to address the Council. He expressed confusion over the order of the three items according to the agenda, noting that zoning should be done before the development itself.

City Attorney Noe remarked that regulatory reform required consolidation of these items so that a developer doesn't have to wait years for the process; it allows for an expeditious review of land applications.

Mr. Worby stated that Yakima County doesn't do it that way.

City Attorney Noe replied that the City is required to consolidate where it can in these matters.

Mr. Worby wondered how a development that is inconsistent with underlying code can be brought in.

City Attorney Noe responded that the City's code anticipates that the application will be consistent with zoning and development.

City Administrator Kelly noted that, during a regular Council Meeting, Resolutions are heard prior to Ordinances.

David Spicer approached the podium and addressed the Council. He said that he really doesn't understand a lot of this stuff, and wanted to know why they have closed meetings and open meetings rather than having everything open and transparent. He asked how he was supposed to attend a Planning Commission meeting when he normally works until 6 or 7pm. He thought that this was similar to the games played as children where the rules changed halfway through the game. He wondered about the need for parks and green space as opposed to cramming duplexes on every nice piece of dirt in Selah. He thanked Council for the opportunity to speak.

Council Member Tierney called for the question.

Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes. By voice vote, approval was unanimous.

Council Member Tierney thanked those in attendance for coming and apologized for any misunderstandings. He expressed his appreciation of their comments, adding that it was nice to have people attend who are concerned about their City.

Council Member Schmid moved, and Council Member Overby seconded, to take a ten minute recess.

Council took a ten minute recess.

J. Public Hearing **None**

K. New Business

1. Bond Refinancing

City Administrator Kelly addressed K – 1. He said that, as discussed during the Council Retreat, there is an opportunity to save some additional money on the Marudo debt. He introduced the bond counsel.

Jim Nelson, D.A. Davison, approached the podium and addressed the Council. He gave a brief description of his firm and qualifications, then referred Council to the handout provided in the packet. He discussed that revenue sources available to them, and the interest rates in the current market.

Mayor Gawlik expressed some concern that interest rates are liable to increase in the near future.

Mr. Nelson responded that the economy is starting to recover, which will likely result in higher rates. He stated that they have an interest rate expert on their staff, and outlined her prediction for the coming

quarters, which brings a little more urgency to the decision at hand. He talked about bond rating rates and gave some recent examples of smaller cities receiving higher rates than anticipated. He suggested that the Council consider adopting a formal financial management policy.

City Administrator Kelly remarked that one will be presented at the next Council meeting.

Council Member Finch requested confirmation that the City had no rating at present.

Mr. Nelson replied in the affirmative, adding that he anticipates the City's initial rating will be A+ or possible AA-. He outlined the items that are reviewed before a rating is assigned.

City Administrator Kelly noted that some of the numbers had changed since the last meeting.

Council Member Finch inquired about the coupon rate.

Mr. Nelson explained the variance of the coupon rate, then reviewed the remainder of the packet information.

City Administrator Kelly commented that this is also part of the necessary process for construction of new municipal buildings and where the City is financially in their debt management.

Council Member Tierney wondered if they had enough time to proceed with the refinance.

Mr. Nelson responded in the affirmative, saying that they can meet that schedule. He noted that the City will need to enter into an underwriting engagement letter with his firm per the new Security Exchange Commission rules.

Council Member Smeback moved, and Council Member Schmid seconded, to authorize the Mayor to sign the Underwriting Engagement Letter with D. A. Davidson. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes. By voice vote, approval was unanimous.

L. Old Business None

M. Resolutions

1. Resolution authorizing the Mayor to sign a Professional Services Contract with Margita A. Dornay for prosecution services

City Administrator Kelly addressed M – 1. He said that this puts in writing the change that they are making in moving away from City Attorney Noe's firm to someone else. He commented that Ms. Dornay has been doing the prosecution under the City Attorney's firm, and that the \$2500 he negotiated with her is within the current budget.

Council Member Tierney asked for confirmation that the compensation would be \$2500 a month plus an additional amount for jury trials.

City Administrator Kelly responded in the affirmative, saying that he wanted to have the same language as they have in the public defender's contract.

Council Member Tierney wondered how many trials are held on an annual basis.

City Attorney Noe answered that there are maybe four per year.

Council Member Schmid moved, and Council Member Smeback seconded, to Approve the Resolution authorizing the Mayor to sign a Professional Services Contract with Margita A. Dornay for prosecution services. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes. By voice vote, approval was unanimous.

- * 2. Resolution Authorizing the Mayor to sign Task Order 2014-3 between the City of Selah and Huibregtse, Louman Associates, Inc. for Engineering and Surveying Services for the East Goodlander Road Transportation Improvement Board (TIB) Improvements Project
- * 3. Resolution Authorizing the Mayor to sign Task Order 2014-4 between the City of Selah and Huibregtse, Louman, Associates Inc. for Construction services for the East Goodlander Road Water Improvements Project
- * 4. Resolution Authorizing the Mayor to sign Task Order 2014-5 between the City of Selah and Huibregtse, Louman, Associates Inc. for Construction services for sewer system improvements on the Transportation Improvement Board (TIB) East Goodlander Road Improvements Project
- 5. Resolution Authorizing the Mayor to sign a Transportation Improvement Board (TIB) Consultant Agreement for Professional Construction Services for the East Goodlander Roadway Improvements between North First Street and Wenas Road

Public Works Director Henne addressed M – 5. He said that this is a formal contract between the City of Selah and the transportation Improvement Board (TIB) to proceed with the grind and overlay project, and that it allows them to create plan specs and construction documents. He noted that the total amount for it is \$29, 419.

Council Member Smeback asked if they would be doing an early start in the spring in order to be done by June.

Public Works Director Henne responded in the affirmative, saying that they have to be done by the end of June.

Council Member Schmid commented that the consultant agreement has a dollar figure of \$29,400 and wondered if it should be \$29,419.

City Administrator Kelly suggested making it \$29,419 to cover it.

Public Works Director Henne remarked that the dollar amount isn't specified in the Resolution.

Council Member Tierney moved, and Council Member Schmid seconded, to Approve the Resolution Authorizing the Mayor to sign a Transportation Improvement Board (TIB) Consultant Agreement for Professional Construction Services for the East Goodlander Roadway Improvements between North First Street and Wenas Road. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes. By voice vote, approval was unanimous.

6. Resolution of the City Council adopting the Findings and Recommendation of the Planning Commission and Approving Preliminary Plat No. 912-42.14-05, "Somerset II"

RELOCATED

7. Resolution authorizing the Mayor to sign a contract with Marshall Architecture, P.C for professional services related to the conceptual design of a proposed municipal multi-purpose facility

City Administrator Kelly addressed M – 7. He said that they received four responses to the request for qualifications, and that the selected architect works with the particular company they've been discussing. He talked briefly about the qualifications of the selected firm, noting that the agreement for \$13,800 would get them a preliminary zoning and code review, conceptual drawings, and renderings for both projects over a period of time. He noted that it's generally a four to six week process to come up with drawings and a preliminary conceptual floor plan, at which point they will give the City a cost estimate. He expressed his excitement to have real numbers on a real building, adding that he recommends the creation of a committee to go through the process.

Mayor Gawlik suggested that the committee also include any department heads that will be effected.

City Administrator Kelly agreed.

Council Member Tierney wondered how the other bid estimates came in.

City Administrator Kelly responded that most architectural firms start out at \$250-300 per foot when talking about a new building, which is normal, but he's interested to see if an aesthetically pleasing building can be done for a lot less. He outlined the process that will be done, noting that they will put it out to bid once the drawings are done, at which time local people can bid on it.

Council Member Finch moved, and Council Member Overby seconded, to Approve the Resolution authorizing the Mayor to sign a contract with Marshall Architecture, P.C. for professional services related to the conceptual design of a proposed municipal multi-purpose facility. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes;

Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes. By voice vote, approval was unanimous.

City Administrator Kelly said that he was hoping to get a committee together, and that he would like to have three Council Members, along with the Mayor, to help with design of the two buildings.

Council Members Tierney, Sample, and Smeback volunteered to serve on the committee.

N. Ordinances

1. Ordinance Amending Section of Title 10, Chapter 10.28, Table 5 – A, and Chapter 10.28.040, Regulatory Notes, of the Selah Municipal Code

Community Planner Davison addressed N – 1. He said that the proposed code amendment came about after the Hearing Examiner considered a preliminary plat that followed a provision from 2006 that allows duplexes within an R-1 zone. He explained the history of the provision, noting that it was put in place to allow for a diversity of housing types in residential areas without requiring a rezone to an R-2 designation. He referred Council to the information included in the packet, stating that the Planning Commission considered the matter and voted to recommend an amendment to the Municipal Code.

Council Member Finch remarked that Planning Commission minutes state that no one was in the audience, yet they have testimony in favor of the amendment.

Community Planner Davison responded that there was no one in attendance aside from Council Member Sample.

Council Member Finch expressed her frustration over receiving minutes dating back to May and June, but no the minutes pertaining to the matter at hand.

Community Planner Davison replied that they are in draft form a present, as they haven't been adopted by the Planning Commission.

Council Member Finch moved that Ordinances only be brought before the Council after the minutes relating to the matter have been approved by the Planning Commission.

Council Member Tierney seconded the motion.

Community Planner Davison asked if they wanted to kill the amendment or wait until next meeting for the Planning Commission minutes.

Council Member Finch stated that she already knows how she will vote on this issue, and that she is interested in acting more professional going forward.

City Administrator Kelly said that he would work with Community Planner Davison on protocol and having the minutes provided to Council in an approved form.

Community Planner Davison noted that the first meeting since June was in September, at which time they adopted the minutes provided in the packet.

Council Member Tierney didn't want to act on any Ordinances based on insufficient information, adding that they should have the final minutes to accurately act on an Ordinance.

City Administrator Kelly remarked that the Planning Commission doesn't meet again until next Tuesday, which means that they won't have adopted minutes until the following Tuesday.

Council Member Sample stated that he spoke about this subject with the Planning Commission at the last meeting, and he remembered discussing things such as lot size. He opined that there are several good looking subdivisions around town with seven thousand square foot lots, adding that he doesn't agree with having a duplex in middle of nine or ten single-family homes; they should be grouped together as much as possible.

Council Member Schmid said that one of the State mandates for the Growth Management Act dealt with providing a diversity of housing types in new subdivisions, which is why the City ended up with this in the Municipal Code.

Council Member Sample agreed.

Council Member Smeback noted that adding the sub-category to R-1 gives a formula allowing a developer with undesirable lots to finish the development with duplexes.

Community Planner Davison commented that the individual has to decide if they want to build a duplex, and that if it damages the marketing abilities the builder won't opt to do it.

Council Member Sample thought that there was a better way to fix it than the Ordinance presented.

Council Member Smeback suggested that they provide some direction to the Planning Commission.

Council Member Finch stated that the Council should review the Code as a whole before adding or amending it; they've identified several issues with planning codes that need to be dealt with. She added that she also wants to have up-to-date approved minutes at that time.

Community Planner Davison inquired if she would like the minutes for this if denied.

Council Member Finch responded in the negative.

Council Member Smeback expressed his appreciation for what the Planning Commission was trying to do, noting that these matter are sometimes viewed as housekeeping items.

Community Planner Davison said that he will come back at a later time with an Ordinance to repeal that section of the R-2 zoning that allows duplexes to be built there.

Council Member Finch moved, and Council Member Overby seconded, to Deny the Ordinance Amending Section of Title 10, Chapter 10.28, Table 5 – A, and Chapter 10.28.040, Regulatory Notes, of the Selah Municipal Code. Roll was called: Council Member Overby – Yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – no; Council Member Finch – yes; Council Member Sample – yes. Motion passed with five yes votes and one no vote.

City Administrator Kelly asked Council if they all concurred with Council Member Finch about looking at the Code as a whole.

Council Member Smeback said that, while he appreciates what Community Planner Davison is trying to do, it's sometimes important to have the minutes, and that those people doing developments need to realize that it may take a little longer than necessary.

City Administrator Kelly remarked that this is in the Code two different ways at present, and that a denial of the Ordinance will have an Ordinance brought to them to remove the other.

Council Member Schmid wondered where that would leave them in regards to the Growth Management Act.

Council Member Smeback suggested that the matter be brought back to Council with approved minutes.

Council Member Schmid noted that they have conflicting items in the Code at present.

City Attorney Noe commented that any Council Member who voted in favor of denial can bring it back at a later date.

Council Member Overby wanted to have the full information in front of them for consideration, and that he is open to revisiting the matter at a later date.

Council Member Smeback moved to remand the issue back to the Planning Commission for consideration.

City Attorney Noe asked that he clarify what the Planning Commission should consider to be brought back to the Council.

Council Member Smeback withdrew his motion.

2. Ordinance Adopting the Selah Urban Growth Area Comprehensive Plan Amendment 2014-01 (Zuker-Sample L.L.C.) as Recommended by the City of Selah Planning Commission

RELOCATED

3. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.42.14-04 Rezone to Planned Development (PD)

RELOCATED

O. Communications

1. Oral

Mayor Gawlik opened the meeting.

Chris Dykstra approached the podium and addressed the Council. He presented pictures to Council of the large hole in the access road in front of his house and asked why it takes so long to get something like that fixed. He said that he has three children aged six and under, and that the hole is a danger to them.

Council Member Smeback asked if he resided in the City or the County.

Mr. Dykstra replied that he was in the County but was recently annexed into the City. He went on to say that, if someone fell into the hole, Selah doesn't have capabilities of getting them out of it; it would require a technical rescue team out of Yakima. He expressed his frustration that it has been three years since the hole was dug and he has yet to get anyone to deal with it.

Council Member Smeback wondered if it was a County road.

Mr. Dykstra stated that the County told him it was private property, an access easement, and they couldn't do anything to remedy the situation.

Council Member Smeback inquired if it was on his parcel of land.

Mr. Dykstra responded in the negative, saying that the property belongs to the developer, who started it and then left it like this. He said that it is directly in front of his house, and that there are at least two more holes similar to this down further. He asked why it takes so long to get something like this fixed.

Council Member Tierney inquired who he talked with about the matter.

City Administrator Kelly remarked that he spoke with Mr. Dykstra's wife earlier that day.

Public Works Director Henne said that he received a call and turned the matter over to the City's Code Enforcement Officer, who talked to property owner about the matter. He noted that the property owner indicated that the matter would be taken care of, which didn't happen, and that he has spoken with City Administrator Kelly about the item as it involves a Council Member.

City Administrator Kelly commented that the weeds have been mowed down, and that he has spoken with developer about covering the holes. He asked what would be considered sufficient to cover it.

Mr. Dykstra replied that he would prefer it to be as close as possible to a completed state, suggesting that the developer put in manhole covers and fill dirt around them, as plywood with bricks is not sufficient.

Council Member Smeback commented that a manhole cover couldn't be moved by a child.

Mr. Dykstra thanked Council for their time.

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

P. Reports/Announcements

1. Mayor

Mayor Gawlik had no report.

2. Council Members

Council Member Finch had no report.

Council Member Overby had no report.

Council Member Sample had no report.

Council Member Tierney had no report.

Council Member Smeback had no report.

Council Member Schmid had no report.

3. Departmental

Public Works Director Henne said that there is information in the packet on building permits and code enforcement. He commented that Matson Fruit held an open house at their new facility last Friday, and that his department is moving ahead on projects.

Clerk/Treasurer Novobielski said that he has provided City Administrator Kelly and his fellow Department Heads with the September financial statements, noting that everything on par for the year.

Community Planner Davison had no report.

Recreation Manager Brown said that the Volunteer Park project has been started; the Parks crew has been tearing out trees and putting in a water line.

Deputy Police Chief Steen had no report.

City Administrator Kelly had no report.

City Attorney Noe had no report.

4. Boards

- a. Planning Commission Minutes – May 20, 21, and 28, 2014; May 20, 21, and 28, 2014 (corrected); and June 17, 2014

Q. Executive Session **None**

R. Adjournment

Council Member Smeback moved, and Council Member Tierney seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 6:39pm.



Paul Overby, Council Member



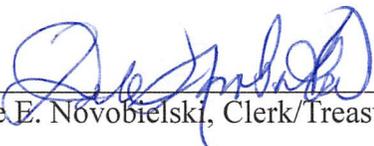
Dave Smeback, Council Member

Brooke Finch, Council Member

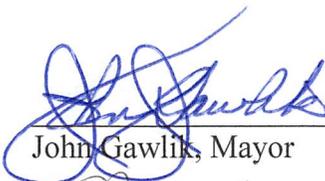
EXCUSED

Jane Williams, Council Member

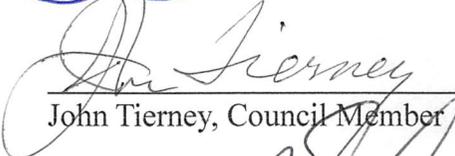
ATTEST:



Dale E. Novobielski, Clerk/Treasurer



John Gawlik, Mayor



John Tierney, Council Member



Allen Schmid, Council Member



Roy Sample, Council Member