

Study Session Minutes
Selah City Council
October 27, 2015
4:30pm

Mayor Gawlik opened the Study Session.

The Council and Planning Commission members continued their review of the 10.24 rewrite, discussing various items such as how to tackle the compatibility issue, attempting to address the height differential by increasing setbacks, useable open space and the need for a definition of what that is, and a minimum frontage requirement.

The Study Session ended at 6:22pm.

City of Selah
Council Minutes
October 27, 2015

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

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

B. Roll Call

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

Members Excused:

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

C. Pledge of Allegiance

Mayor Gawlik held a moment of silence in honor of Council Member Allen Schmid.

Council Member Tierney led the Pledge of Allegiance. Pastor Jason Williams gave the prayer.

D. Agenda Changes

Add to agenda:

1. Resolution M – 4: Resolution of the City of Selah, Washington, Adopting the
Selah Natural Hazard Mitigation Plan and Accepting it as an Annex of Yakima
County Natural Hazard Mitigation Plan

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

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

City Administrator Wayman promised to have at least one business owner at the next meeting, to introduce themselves. He requested that the Council Members invite business owners to attend a meeting, adding that he has requested that City staff do the same.

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Wayne Petterson, Selah Kiwanis, approached the podium and addressed the Council. He expressed curiosity as to status of Volunteer Park, and the lack of construction, saying that it has been nearly five months past the date they were told construction might commence.

Mayor Gawlik responded that the biggest hurdle the City had to cross was finances; the State legislature had taken their time reviewing and approving a budget. He added that the City has been in constant contact once they were advised of their approval, and that the contract was on that night's agenda.

Mr. Petterson asked if the local group had raised enough money to start the project.

Mayor Gawlik replied in the affirmative, saying that the committee reviewing it had indicated that the City had met all of its requirements, criteria and commitments to match the grant funds assigned to them.

Mr. Petterson wondered why the local construction couldn't start on the project.

Recreation Manager Brown responded that, per the agreement, no construction can take place until the agreement is signed, as anything done prior to the signing can't be used as matching funds. He noted that a SEPA review will start after the agreement is signed.

Mr. Petterson remarked that it's up to the Council then.

Mayor Gawlik responded that, once signed, the document will be sent back to the State, and the City will wait for them once again.

Mr. Petterson commented that two of the contractors wish to begin moving earth prior to the winter freeze, as there will be a time crunch to meet the deadline otherwise.

Public Works Director Henne stated that he believes contract will allow for an extension of completion time, based on the delay of the original start date, and they will also recognize winter shut down and make allowance for it.

City Administrator Wayman noted that the project still has to go through a SEPA review; community has to be heard before move forward, and there are plenty of administrative hoops the City owes the community before proceeding.

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

2. Written

- a. Selah Downtown Association Monthly Financial Report

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Overby moved, and Council Member Tierney seconded, to add M – 1 to the Consent Agenda. By voice vote approval was unanimous.

Executive Assistant Lake read the Consent Agenda.

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

- * 1. Approval of Minutes: September 22, 2015 Study Session & Council Meeting

- * 2. Approval of Claims & Payroll:

Payroll Checks Nos. 78994 – 79018 for a total of \$243,181.79
Claim Checks Nos. 66503 – 66593 for a total of \$266,334.24

- * 3. Resolution M – 1: Resolution Establishing October 27th, 2015 as the Public Hearing Date to Consider the Adoption of the 2015 Yakima County Multi-Jurisdictional Hazard Mitigation Plan as the Official Hazard Mitigation Plan for Selah, Washington

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

J. Public Hearings

- 1. Natural Hazard Mitigation Plan Update 2015

Kent Catlin, Deputy Director for Yakima Valley Office of Emergency Management, addressed J – 1. He passed out information on Selah’s updated Natural Hazard Mitigation Plan, explaining that it’s on a five year cycle, and must be submitted to make the City eligible for Federal funds if a natural disaster occurs. He noted that FEMA is currently reviewing the document, and that any changes need to be done prior to the December 31st deadline, then gave an example of why the Plan is so important.

Council Member Smeback asked if his office was a conduit for removing ground from the hundred-year floodplain.

Mr. Catlin responded that they don’t control zoning, but would be willing to do anything they can to assist and support the City in what they are trying to achieve.

Mayor Gawlik described the disaster of 1996, citing the plan as a valuable tool to ensure the safety and wellbeing of the citizens of Selah before FEMA and the Corps of Engineers arrived.

Council Member Tierney requested an explanation of the color coding on the map, and asked if this can be put on the website for review, as well as sent to City staff via email

Council Member Williams noted that the library's address is incorrect, as is the Selah School District's information.

Mr. Catlin responded that it's a five-year plan, which means some information has become outdated, and that they have time during the FEMA review process to make necessary changes. He said that anyone can contact his office for corrections.

Council Member Williams wondered if the plan was just to the city limits of Selah.

Mr. Catlin replied that the County has completed a countywide plan, and that numerous jurisdictions are working on accepting and submitting needed changes before the deadline.

Council Member Tierney inquired as to whether the plan included the Yakima Training Center.

Mr. Catlin responded that there are certain things they can and can't do.

Mayor Gawlik noted that the National Guard activated their transport unit during the flood of 1996 to rescue those stranded by high water, including some stranded at the golf course.

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

K. New Business

1. Volunteer Park options

City Administrator Wayman addressed K – 1. He passed out new maps to Council as he explained the options staff had looked at for the park, beyond what was already committed to be done, such as football and soccer fields, adding that they determined the parking would not support that kind of use. He referred Council to the new maps, saying that staff recommended expanding the original parking area to a bigger pad and also proposed a fenced dog park to allow people to take their dogs off leash. He requested direction as to which option Council wished to pursue.

Council Member Overby asked if the option of expanded parking could happen either way.

City Administrator Wayman replied in the affirmative.

Council Member Tierney wondered if a dog park complies with the original funding request.

City Administrator Wayman responded that the original request is predicated on what they are providing, and there is no language saying they can't do something in addition to the original proposal. He noted that the contract doesn't have any restrictions regarding additional usage, although he has a query out to the State to confirm that.

Mayor Gawlik remarked that, unofficially, the fenced green space across the street from Lince Elementary has been used as play area for kids, and an unofficial dog park for folks to let their dogs off leash. He noted that Selah's parks are dog friendly, with pick-up stations at each, but people have to bring dogs into the park on a leash.

Council Member Williams inquired as to the size of the proposed dog park.

Mr. Petterson commented from the audience that fences and dog parks are great, but fences and Frisbee golf are not.

Public Works Director Henne stated that they are not proposing any golf stations to be within the area of the dog park.

Council Member Overby pointed out that one station is very near to the dog park.

City Administrator Wayman remarked that they are looking at a nine hole course, not a full eighteen hole course.

Public Works Director Henne said that it's roughly eight hundred 800 lineal feet, although they were talking earlier about extending it to the south to provide an area for smaller dogs.

Mr. Petterson remarked that the park proposal didn't have any fences before.

Recreation Manager Brown stated that the original proposal was for a nine hole golf course, and that the State had indicated they can modify that if they desire.

Mr. Petterson felt that the focus has changed, and asked if there would still be a walkway around the park with Frisbee golf within the boundary.

Recreation Manager Brown replied that they are keeping the walk path.

City Administrator Wayman commented that he doesn't think a wide footprint for Frisbee golf is necessary, and that they could accommodate both the dog park and Frisbee golf. He noted that there would still be a walking path around the perimeter. He requested that Council provide him with direction on the matter.

Council Member Williams stated that she's not in favor of the dog park, as they had envisioned it to be an all-inclusive special needs park. She added that, while she's in favor of a dog park, she doesn't feel this is the location for one.

Council Member Overby agreed with her, adding that he prefers the large parking area.

Council Member Ritchie felt they should discuss it at the next meeting to allow time to get input on how many citizens would be in favor of a dog park. She asked about the ten handicapped spaces on the map.

Mayor Gawlik remarked that those are mandated per code, and based on square feet.

Public Works Director Henne observed that State law is one for every twenty-five stalls, and that he would like to reduce it to something like eight.

City Administrator Wayman reminded Council that the park is designed for handicapped individuals.

Council Member Ritchie responded that it's also designed for kids with autism and other needs, who may not have the handicapped placards.

Public Works Director Henne said that he would also like to have a spot for City trucks to park and do maintenance.

Council Member Ritchie felt ten handicapped spots were excessive.

Mayor Gawlik poll the Council about the proposed dog park.

Council Members Ritchie, Overby, Sample, Smeback, and Williams were against the proposal; Council Member Tierney was for it.

Mayor Gawlik noted that Council had indicated their desire for the larger parking lot.

L. Old Business **None**

M. Resolutions

- * 1. Resolution authorizing the Mayor to sign an Intergovernmental Cooperation Agreement with Franklin County Fire District #3, a municipal corporation
- 2. Resolution Authorizing the Mayor to Sign an Agreement with the Recreation and Conservation Office to Receive Grant Funding for the Development of Volunteer Park

Recreation Manager Brown addressed M – 2. He said that, per their agreement with the State, they were able to raise enough cash, along with donations of engineering services and other goods, to meet the requirements, and that the park has to include ADA equipment in its playgrounds. He read aloud a list of items the City was committed to.

Council Member Ritchie asked if the list was in the agreement.

Recreation Manager Brown responded in the affirmative.

Council Member Ritchie wondered where.

City Attorney Noe replied that it is item c on the front page.

Mayor Gawlik noted that the most important thing is that the City has met all requirements put forth by the State to make this an all-inclusive park.

Council Member Tierney moved, and Council Member Smeback seconded, to approve the Resolution Authorizing the Mayor to Sign an Agreement with the Recreation and Conservation Office to Receive Grant Funding for the Development of Volunteer Park. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

3. Resolution Authorizing the Mayor to Sign an Amendment to the City Administrator's Employment Agreement

Clerk/Treasurer Novobielski addressed M – 3. He said that this amendment to City Administrator Wayman's contract would be effective January 1, 2016, adding that he brings with him medical insurance from a previous employer and would like to forego City paid insurance and receive a thousand dollar per month salary increase in lieu of the insurance. He noted that this would save the City roughly six thousand dollars annually.

Council Member Overby wondered if the benefit package is currently eighteen thousand for medical, dental and vision.

Clerk/Treasurer Novobielski responded that the cost is solely for medical, which is roughly fourteen hundred sixty-eight per month, per employee, for 2016.

Council Member Smeback had some issues with the interchangeability of benefits with salary, adding that he would prefer to have done it later on. Although he does understand the fiscal impact and feels it does make some sense, he wouldn't wish to create a precedent with other non-represented employees. He wondered if this would replace the January discussion.

Mayor Gawlik responded that his annual review doesn't come up until May.

Council Member Ritchie was in favor of it, noting that her husband's employer is doing the same thing, and she would prefer to see the money go to the City and City Administrator Wayman rather than an insurance company.

Council Member Williams wondered if the City had a legal obligation to pay him the amount of the insurance if they opted not to pass this and City Administrator Wayman dropped the coverage.

City Attorney Noe replied that it's an option he would have, although the City is not legally obligated to pay him.

Council Member Williams was concerned about giving him a higher salary.

City Attorney Noe responded that, if the matter had been discussed earlier, he might have asked for a higher salary.

Council Member Tierney moved, and Council Member Overby seconded, to approve the Resolution Authorizing the Mayor to Sign an Amendment to the City Administrator's Employment Agreement. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – no; Council Member Ritchie – yes. Motion passed with five yes votes and one no vote.

4. Resolution of the City of Selah, Washington, Adopting the Selah Natural Hazard Mitigation Plan and Accepting it as an Annex of Yakima County Natural Hazard Mitigation Plan

Kent Catlin, Deputy Director for Yakima Valley Office of Emergency Management, addressed M – 4. He said that FEMA is reviewing the plan right now, although cosmetic changes can still be done. He told Council that the plan is a living document that is updated every five years; they can continue to work on it and submit changes every cycle.

Council Member Overby moved, and Council Member Tierney seconded, to approve the Resolution of the City of Selah, Washington, Adopting the Selah Natural Hazard Mitigation Plan and Accepting it as an Annex of Yakima County Natural Hazard Mitigation Plan. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

N. Ordinances

1. Ordinance Amending the 2015 Budget for the Expenditure of Hotel/Motel Sales Tax Revenue

Recreation Manager Brown addressed N – 1. HE said that the Lodging Tax Advisory Committee listened to two proposals earlier in the year for funds, one from a staff intern to fund the July 3rd event, and one from the Selah Downtown Association for help with the branding firm expenses, and that this budget adjustment accommodates both requests.

Council Member Smeback moved, and Council Member Williams seconded, to approve the Ordinance Amending the 2015 Budget for the Expenditure of Hotel/Motel Sales Tax Revenue. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

2. Ordinance Adopting the 2005 Selah Urban Growth Area Comprehensive Plan Amendment 2015-2 (City of Selah) as Recommended by the City of Selah Planning Commission

Community Planner Durant addressed N – 2. He stated that this is one of two Comprehensive Plan amendments considered this year, and that the second one will be presented at the November 10th Council Meeting. He noted that everyone who attended received notification of the date change. He explained that the matter before them was an application submitted by the City, to change the Comprehensive Plan designation of the parcel from low density residential to moderate density residential, as the property was developed while in R-2 zoning and the designation was inadvertently changed at a later date. He noted that the surrounding properties are a mix of low density and moderate density, which would make the change compatible with the area around it. He stated that both staff and the Planning Commission recommend approval of the amendment.

Council Member Tierney remarked that the urban growth comprehensive plan could only be amended once per year. He felt that if they approve this item than they can't legally approve one at the next meeting.

Community Planner Durant disagreed.

Council Member Tierney stated that he doesn't wish to act on them separately.

Community Planner Durant deferred to City Attorney Noe.

City Attorney Noe observed that the intent of the provision is that applicants will gather by a certain deadline to be processed, and that both matters were processed according to the procedure in place. He said that the other application had a request for continuance, which doesn't require continuance of this one, and that Council would still be in compliance.

Council Member Tierney inquired as to what prevents someone from coming in late to have their property acted on.

City Attorney Noe replied that there is a cutoff date for submissions.

Mayor Gawlik remarked that the matter was a mistake on the City's part when they did the mapping, as that site was properly zoned when the structures were built. He stated that this is to correct that error.

Council Member Overby commented that he thinks Council Member Tierney is asking if they should act in this next month.

Council Member Ritchie wondered if there were any public comments.

Community Planner Durant responded that there were no written submittals, although he thought there were a couple questions asked during the hearing.

Council Member Ritchie remarked that the information provided to them indicates a Planned Development (PD) on the property, with a recommendation from the Hearing Examiner.

Community Planner Durant confirmed that the Hearing Examiner issued a recommendation.

Council Member Ritchie felt that there are things they aren't aware of that may be important to the decision.

Community Planner Durant replied that the PD was to allow three dwelling units on the property, to be established on separate lots that are smaller than usually allowed, with the purpose of allowing each unit to be on its own separate lot. He stated that the primary objection of the Hearing Examiner was that the three dwelling units already exceeded the maximum density of the Comprehensive Plan designation, which is when the zoning error was discovered.

Council Member Ritchie asked why it was a Planned Development.

Community Planner Durant responded that one can't do individual dwelling units on lots that small without one.

Mayor Gawlik stated that the action is to correct the zoning error that occurred when the mapping was done.

Council Member Ritchie wondered if other properties in the area were in the same situation.

Community Planner Durant replied in the negative.

Council Member Tierney inquired about the rezone allowing additional residences to be built on the property.

Community Planner Durant responded that it's possible in theory, although he doesn't feel it to be either practical or possible to add a fourth dwelling without substantially changing the current configuration.

Mayor Gawlik noted that the three that are there meet code.

Council Member Overby asked if it was vested PD request prior to the correction being found.

Community Planner Durant replied in the affirmative, saying that the PD was delayed by a desire to proceed with this application.

Carl Torkelson approached the podium and addressed the Council. He stated that it has taken three years to reach this point, to correct a mistake that wasn't his. He explained the difficulties he'd faced the last couple years, adding that this is a housekeeping matter to give him back what was rightfully his.

Council Member Ritchie inquired if he'd purchased the land as R-2.

Mr. Torkelson showed her the permit, pointing out the R-2 designation.

Council Member Overby observed that Council's mistake is voting on amendments without catching changes such as an unintentional rezone.

Community Planner Durant noted that it appears that the units were built shortly before the adoption of the Comprehensive Plan.

Council Member Williams asked if the previous Community Planer had documented the mistake in the building file.

Mr. Torkelson responded that it was discovered two years ago but during the time of the permitting process it was R-2. He noted that the units were built in 2003, and the mistake was discovered in 2013.

Council Member Williams asked if he'd seen it on the County's website.

Community Planner Durant informed her that the County doesn't show zoning in Selah.

Mr. Torkelson felt that she should recuse herself on this vote.

Council Member Williams wondered if anyone had looked at the file to see if someone had documented the rezone, in the the original file for the piece of property.

Community Planner Durant replied that he saw the zoning map in effect at the time, which clearly showed the property zoned as R-2.

Council Member Williams asked again if there were notes in the file.

Community Planner Durant responded that he didn't look at the file; he looked at zoning maps.

Council Member Williams again asked if there were any notes in the file.

Mr. Torkelson replied in the negative, saying that his previous permits all showed the land as R-2.

Council Member Overby moved, and Council Member Smeback seconded, to approve the Ordinance Adopting the 2005 Selah Urban Growth Area Comprehensive Plan Amendment 2015-2 (City of Selah) as Recommended by the City of Selah Planning Commission. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – no; Council Member Ritchie – yes. Motion passed with five yes votes and one no vote.

3. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.61.15-02 Rezone to Two Family Residential (R-2)

Community Planner Durant address N – 3. He stated that this is the rezone for the same application that they just approved the Comprehensive Plan amendment for, which will change the zoning to R-2.

Council Member Overby moved, and Council Member Sample seconded, to approve the Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.61.15-02 Rezone to Two Family Residential (R-2). Roll was called: Council Member Overby – yes; Council Member

Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – no; Council Member Ritchie – yes. Motion passed with five yes votes and one no vote.

O. Reports/Announcements

1. Mayor

Mayor Gawlik had no report.

2. Council Members

Council Member Ritchie said that the Harvest Halloween festival is a great activity for kids, encouraging people to attend the event.

Council Member Overby had no report.

Council Member Sample remarked that Recreation Manager Brown and Administrative & Marketing Specialist Tait did a great job with the brochures for the SPRSA pool bond.

Council Member Tierney had no report but urged everyone eligible to vote to do so.

Council Member Smeback had no report.

Council Member Williams gave a brief report on the YVCOG meeting she attended, adding that she would pass on some information to City Administrator Wayman. She also attended the Yakima Training Center open house, which was great fun, and heard concerns from some of the troops. She inquired about using the flip side of the utility card for notices.

City Administrator Wayman responded that they cannot do that.

3. Department

Public Works Director Henne said that they've done the final meter reads for the year, and are in the process of winterizing meter boxes, blowing out irrigation systems in parks and greenways, and installing plows and sanders on trucks. He added that one hundred seventy-five streetlights were changed to LED, and he hasn't heard any feedback either way.

Council Member Smeback commented that they are whiter.

Mayor Gawlik asked where they are located.

Public Works Director Henne responded that they are on Crusher Canyon, Fremont Avenue, Wenas Avenue, North Park Drive, and South Park Drive.

Council Member Sample asked what the average water bill would be this winter.

Public Works Director Henne replied that residential customers receive average bill during the winter, and will be billed for any difference after the first meter reading in March.

Community Planner Durant said that the Comprehensive Plan updates will kick off on November 17th. He expects to have one or two chapters to present to the Planning Commission at that date.

Clerk/Treasurer Novobielski gave an update on sales tax revenues, noting that they are over the projected budget and will have a nice carryover into the new fiscal year. He commented that they held the 2016 budget meetings last week, and will conduct a public hearing on the proposed 2016 budget at the next Council Meeting.

Administrative & Marketing Specialist Tait introduced herself, saying that she will be taking over things at the Civic Center. She mentioned the Halloween festival and the Chamber's business trick or treat.

City Administrator Wayman requested an update on the senior room flooring.

Administrative & Marketing Specialist Tait stated that they are tearing up the damaged carpet and trying to decide what will be the best steps to refurbish the floor.

Mayor Gawlik remarked that she has experience in marketing, and he hopes she will be using those skills to bring new events to the Civic Center.

Recreation Manager Brown said that the Harvest Church event is from 6-8pm on Saturday. And the business trick or treat is 4-6pm on Friday. He noted that the Selah School District will be using the Youth Center for the next forty-five days.

Fire Chief Hanna had no report, but reminded everyone to beware the kids out trick or treating.

Police Chief Hayes going to range on Fri, will go again on Nov 13th, last 2 for yr, a lot of guys on vacation, change batteries in smoke detectors

Assistant to the City Administrator Potter discussed the parade application from the Selah Downtown Association for a Christmas lighted parade, which would run just prior to the Whispers of Christmas event on Fri Dec 4th.

City Administrator Wayman had no report.

City Attorney Noe had no report.

4. Boards

a. Planning Commission Minutes – September 16, 2015 Meeting

Council took a ten minute recess.

P. Executive Session

1. 15 Minute Session – Potential Litigation RCW 42.30.110 (1) (i)

Council went into Executive Session at 8:17pm. At 8:32pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Q. Adjournment

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

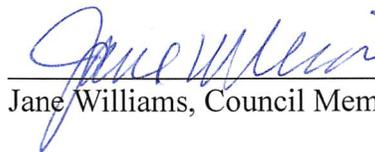
The meeting adjourned at 8:32 pm.



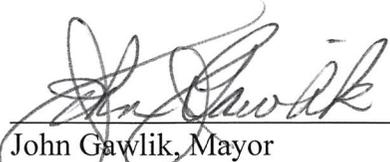
Paul Overby, Council Member



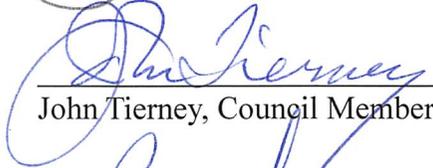
Dave Smeback, Council Member



Jane Williams, Council Member



John Gawlik, Mayor



John Tierney, Council Member



Roy Sample, Council Member



Laura Ritchie, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer