

Study Session Minutes
Selah City Council
September 22, 2015
5:00pm

Mayor Gawlik opened the Study Session.

Shane Backlund, Selah School District Superintendent, addressed the Council. He discussed the realignment of the schools, inviting Council to the grand opening ceremony for the new middle school on October 7th, the impact of Common Core and testing results, the use of tablets in the classroom, and the impact of the Viking Way and their intent to push it beyond the schools and into the community itself.

Mayor Gawlik thanked him for coming, then welcomed the members of the Planning Commission, inviting them to take seats in front of the Council.

The Council and Planning Commission members reviewed the 10.24 rewrite section by section, discussing various items such as proposed drainage facilities, increased setbacks on taller structures, extending dates due to unforeseen or extenuating circumstances, and road standards.

The Study Session ended at 6:30pm.

City of Selah
Council Minutes
September 22, 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 6:40pm.

B. Roll Call

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

Members Excused: Allen Schmid; Roy Sample

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

C. Pledge of Allegiance

Council Member Tierney led the Pledge of Allegiance. Pastor Charles Bonner gave the prayer.

D. Agenda Changes **None**

E. Public Appearances/Introductions/ Presentations

1. Flag Presentation – Aaron Blanchard, Captain
Michael Blanchard, Captain

Mayor Gawlik talked briefly about the importance of recognizing the sons and daughters of Selah who have answered the call to serve their country, and to those who paid ultimate sacrifice. He that it was his honor and privilege to present those sons and daughters with a very special flag that flew over the City on September 11, 2001. He presented a flag to Captain Aaron Blanchard's widow, Rebecca.

City Administrator Wayman read aloud a brief biography of Aaron Blanchard, Captain, as the Mayor presented a flag to his widow.

City Administrator Wayman read aloud a brief biography on Michael Blanchard, Captain, as Mayor Gawlik presented the flag to Captain Blanchard's mother.

2. Award Presentation – SRO/MPO Pauli Martin

Police Chief Hayes read aloud a brief biography, noting the commendations received, and presented Office Martin with a framed series of badges she had while working for their department.

Mayor Gawlik presented her with an engrave apple from the City.

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

G. Communications

1. Oral

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

2. Written

a. Selah Downtown Association Monthly Report

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 8, 2015 Council Meeting

* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 78955 – 78993 for a total of \$180,790.34

Claim Checks Nos. 66429 – 66502 for a total of \$220,927.65

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

J. Public Hearings

1. Public Hearing on Revenue Sources for the 2016 Budget

Clerk/Treasurer Novobielski addressed J – 1. He said that they began the 2016 budget process last week by meeting with the department heads, and that Council budget meetings will start on October 20th. He

stated that the City is required by law to hold a public hearing on certain revenue sources for 2016. He briefly reviewed the property taxes, saying that they will request a one percent increase in property taxes for 2016, which will result in an increase of fifty-three thousand dollars. He noted that the increase factors in new construction and recent Goodlander annexation.

Council Member Tierney asked if this was all General Fund monies, not including other revenue sources.

Clerk/Treasurer Novobielski responded that part of the monies go to the Civic Center, Streets, and Fire; approximately eighty percent go to the General Fund.

Council Member Ritchie wondered if the County would also impose a one percent property tax increase.

Clerk/Treasurer Novobielski replied that, when a person pays taxes for their home, they are paying for multiple agencies. He said that one of majority taxes is to support the school system, adding that the County imposes two taxes, although one only pays the road tax if they live in a rural area.

Council Member Ritchie inquired how much other agencies can go up per year.

Clerk/Treasurer Novobielski responded that it's his understanding that all of them have the same authority to ask for a one percent increase. He moved on to the utilities, saying that he is recommending no rate change in the garbage fund, as that fund has a healthy balance at this point. The water fund has an aging system that incurs a lot of capital costs to maintain and improve the system and he is proposing a four percent increase to residential customers, and a three percent increase on sewer rates, which will result in an average increase of two dollars and sixty seven cents per customer.

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

K. New Business

1. Application to Department of Ecology for the Taylor Ditch Outfall Reduction project

Public Works Director Henne addressed K – 1. He said that they applied for a Department of Ecology (DOE) grant in 2014, part of which went for an outfall reduction report on Taylor Ditch, where they looked at for water production, and how it impacts fish migration and local habitats in the Taylor Ditch system. He commented that they have identified two pollution contributors. One is the Wenas Road storm drainage by the reader board that collects water and ties into Taylor ditch, which he is proposing to proposing to capture before runs into the ditch and run into a manifold that will spin the water to remove debris then go thru a perforated pipe system; the other area is the high school parking lot. He said that those two sites were identified in the report sent to the DOE, and that they are expecting the City to proceed with a project to alleviate those impacts. He expressed his desire to submit an application to the DOE next month to correct those two deficiencies, adding that Superintendent Backlund will speak with the Selah School Board about their twenty-five percent match and request a letter of support. He requested a consensus from Council on whether to proceed with the application.

Council Member Williams asked if Taylor Ditch was an irrigation ditch.

Public Works Director Henne responded in the affirmative, saying that if she drives out Harrison Road she will see the ditch coming down from the north by the railroad tracks then meander through Zirkle Fruit.

Council Member Williams asked if this was a mandate from the DOE.

Public Works Director Henne replied in the affirmative, saying that the requirement comes from both the Clean Water Act and our storm water discharge permit.

Council Member Smeback wondered if this would help with the water temperature issue.

Public Works Director Henne responded in the negative, saying that the water temperature issue is not caused by us. He suggested that he may be confusing the effluent ditch, which dumps into the Taylor Ditch by the Elks, with Taylor Ditch itself.

Council Member Williams wondered if Taylor Ditch was seasonal.

Public Works Director Henne replied in the affirmative.

Council Member Tierney inquired about other connections in the City for Taylor Ditch.

Public Works Director Henne responded that there are twelve identified as significant, of which the City has two.

Council Member Ritchie wondered if there would be additional maintenance costs for a manhole that spins debris out.

Public Works Director Henne replied that they would have to clean it periodically, and gave a brief description of the process to do so.

Council Member Ritchie asked if that was something City employees could do.

Public Works Director Henne responded in the affirmative.

Mayor Gawlik noted that they have a vacuum truck for that.

Council Member Smeback moved, and Council Member Overby seconded, to approve submitting an application to Department of Ecology for the Taylor Ditch Outfall Reduction project. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

Public Works Director Henne stated that he also needs a consensus on a similar project. He remarked that they made an application to the Drinking Water State Revolving Fund (DWSRF) in 2015 for a project to replace the current pit by the Palm Park booster station, in the amount of one million dollars,

and that he would like to increase the amount by another two hundred thousand to allow for purchase of a variable speed drive on Well No. 7.

Mayor Gawlik asked about the interest rate.

Public Works Director Henne responded that it would be one point five to two percent, adding that they are paying on three loans now but will be retiring the one for Hillview and off of Speyers.

Mayor Gawlik inquired as to the term of the loan.

Public Works Director Henne replied that it would be approximately twenty years. He went on to say that the City is having issues keeping in compliance for water rights; five of their six wells have a grouped water right, with Well No. 7 is on its own with a large water right, but the amount pumped from well No. 7 can't be consumed in the winter and relying on the other six for that time period exceeds the City's annual water rights. He noted that if Council opts not to approve increasing the application, he's have to put in a valve to alleviate the situation, which wastes energy and puts more demand on the pump.

Council Member Ritchie wondered where Well No. 7 is located.

Public Works Director Henne responded that it's located at Carlon Park. He noted that it isn't a guarantee they will get selected for the loan, and that if they aren't he won't move forward with the project.

Council Member Ritchie asked if there was a penalty for exceeding water rights on the other wells.

Public Works Director Henne replied that the DOE hasn't imposed fines as of yet, just made comments on the matter. He added that part of the Comprehensive Plan was to upgrade the telemetry system and identify when pumps are getting close to water rights usage. He said that they could crank the valve down and manually operate it, but it will cost the same amount to run the pump for only half the water and someone would need to open the valve if the Fire Department needed additional water.

Council Member Williams wondered about the total dollar amount.

Public Works Director Henne responded that it would be one point two million, adding that he will also apply for an energy rebate that will hopefully net them two hundred thousand dollars.

Council Member Tierney moved, and Council Member Smeback seconded, to approve an increase in the DWSRF loan application from one million to one point two million, to include a variable speed pump for Well No. 7 to the original application. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

L. Old Business

None

M. Resolutions

1. Resolution Authorizing the Mayor to accept the East Goodlander Road Transportation Improvement Board (TIB) Improvements as complete and sign the Updated Cost Estimate and Project Accounting History and authorize release of retainage bond

Public Works Director Henne addressed M – 1. He requested that Council accept the TIB project for the grind and overlay of East Goodlander Road as final and close it out, noting that they came in well under budget.

Council Member Williams remarked that she received an email from Mr. Teske asking about the completion of the corner of East Goodlander Road, as there are some pipes sitting there and some dirt work.

Public Works Director Henne responded that part of the Naches-Selah Irrigation District's tail water comes up to that point; it goes through the culvert and mingles with water that comes down and across from by Well No. 7, and is piped across Lancaster Road.

Council Member Williams thought they were cleaning the north side of East Goodlander Road as part of this project.

Public Works Director Henne replied that they will when full funding is received; this was for an overlay to smooth out the road.

Council Member Tierney moved, and Council Member Overby seconded, to approve the Resolution Authorizing the Mayor to accept the East Goodlander Road Transportation Improvement Board (TIB) Improvements as complete and sign the Updated Cost Estimate and Project Accounting History and authorize release of retainage bond. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

2. Resolution Approving the Final Plat of “Whispering Views Estates” (912.45.14-02) and Authorizing the Mayor to sign the Final Plat

Community Planner Durant addressed M – 2. He said that he has verified that all requirements for the plat are completed and requested that Council authorize the Mayor to sign it and allow the applicant to record the final plat.

Council Member Ritchie thought this had already been approved.

Community Planner Durant explained that Council approved the preliminary plat, and that the applicant has since had a survey done of the final plat to be recorded with the County Auditor, at which point the lots will be created and parcel numbers assigned. He noted that this is standard procedure for these projects.

Council Member Ritchie asked if there was any difference between the preliminary and final plats.

Community Planner Durant responded that there are minor changes.

Council Member Ritchie inquired as to the changes.

Community Planner Durant replied that some of the lots aren't exactly as shown on the preliminary plat, but are within requirements.

Council Member Overby moved, and Council Member Smeback seconded, to approve the Resolution Approving the Final Plat of "Whispering Views Estates" (912.45.14-02) and Authorizing the Mayor to sign the Final Plat. Roll was called: Council Member Overby –yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Williams – abstain; Council Member Ritchie – yes. Motion passed with four yes votes and one abstention.

3. Resolution Adopting Planning Commission approval of Class 3 Review application by Northwest Tower Engineering and Catholic Diocese of Yakima for a 35 foot high communication tower and associated equipment building in the R-1 zoning district (928.95.15-01)

City Attorney Noe observed that this is a closed record review, and that he doesn't see anyone either for or against the project in attendance.

Community Planner Durant commented that he left a message with the applicant's representative, but never heard back.

Mayor Gawlik remarked that it matter has already gone to the Planning Commission. He asked City Attorney Noe whether they can proceed without the parties in attendance.

City attorney Noe responded that it's Council's pleasure whether to proceed or continue the matter.

Council Member Ritchie stated her preference to have the applicant here, as she had some questions she wanted additional explanation on.

Council Member Overby said that he is fine with moving ahead.

Council Member Tierney said he can go either way.

Council Member Smeback echoed Council Member Tierney's comment.

Council Member Williams expressed her desire to have the applicant present.

Mayor Gawlik noted that it was three to two and that Council would proceed with the matter.

Community Planner Durant addressed M – 3. He passed out a series of photos that had been presented with the application at the Planning Commission meeting and briefly reviewed the application for a thirty-five foot tall radio broadcast tower, including the criteria required for construction of a tower. He noted that the Planning Commission recommends approval of the Class III review.

Council Member Tierney asked if it would require an aviation warning light.

Community Planner Durant replied that the height does not require one, but they did send a SEPA notice to the City of Yakima because of the airport.

Council Member Ritchie inquired about discussion by the Planning Commission regarding co-location, as there are two much bigger towers in that area.

Community Planner Durant responded that the matter was raised in a letter of opposition, and that they talked about technical issues such as one of those two towers not meeting current standards. He added that one of the primary reasons is that the property they wish to put the tower on is owned by the Diocese, and that there was a broadcast tower in that location in the 1970s. He noted that there is limited usage for that property, as it doesn't have services, and referred Council to Exhibit seventeen for additional input on the matter.

Council Member Ritchie inquired if the Planning Commission was satisfied that the applicant explored all options, not just because it's convenient to place it where they have land.

Community Planner Durant deferred to the letter labeled exhibit seventeen.

Council Member Smeback asked if they intended to use it that as a broadcast tower.

Community Planner Durant replied in the affirmative.

Council Member Tierney wondered about a power source.

Community Planner Durant responded that there are power poles there. He noted that the concern was raised by a neighboring property owner but there is nothing in the code regarding connections in an R-1 zone.

Council Member Williams said that she didn't see poles in the other photographs and inquired if the other locations are served by underground utilities.

Community Planner Durant replied that there are power poles that can be seen on the Yakima side.

Council Member Williams stated that R-1 says there should be underground power.

Community Planner Durant responded that it's a requirement for subdivisions, but he understands her point.

Council Member Overby asked if the area would develop under any circumstances.

Council Member Tierney commented that it won't without water or sewer.

Council Member Ritchie wondered if they see it being developed at any time.

Community Planner Durant replied that the City has a reservoir up there zoned r-1, and that the zoning can be changed if they feel the area won't be developed.

Public Works Director Henne felt that it will eventually get developed, although the reservoir up there will not serve the top of the hill. He noted that the community up there didn't want to see a taller reservoir, so when it develops the City will have to put in a booster pump station to provide water.

Council Member Williams commented that eventually it could develop.

Public Works Director Henne responded that they came to us years ago about developing the property. They gave the City two acres for a reservoir and negotiated easements through property owned by Washington Fruit from Southern Avenue, but had second thoughts after seeing the City blast basalt for the reservoir installation. He noted that power runs along overhead lines as there is no proposed plat for the area at this time.

Council Member Williams wondered if the Yakima Training Center was contacted for a SEPA review.

Community Planner Durant replied in the negative.

Council Member Williams expressed her concern about that because they occasionally do night flying.

City Administrator Wayman remarked that they would be breaking lower elevation regulations and aviation regulations.

Council Member Williams commented that she concerned that there isn't a trail of responses regarding the SEPA, as there's no proof the agencies were contacted.

Community Planner Durant observed that many agencies don't respond unless they feel a need to, but he could call each agency if Council so desired.

Council Member Tierney moved, and Council Member Overby seconded, to approve the Resolution Adopting Planning Commission approval of Class 3 Review application by Northwest Tower Engineering and Catholic Diocese of Yakima for a 35 foot high communication tower and associated equipment building in the R-1 zoning district (928.95.15-01). Roll was called: Council Member Overby –yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

4. Resolution Adopting Public Participation Plan (PPP) for the City of Selah's Comprehensive Plan Update

Community Planner Durant addressed M – 4. He said that this has to do with the updated Comprehensive Plan, and that State law requires that the City broadcast or publicize process. He noted that YVCOG drafted a plan to adopt for Comprehensive Plan amendments, which sets the date by which Comprehensive Plan amendments can be submitted. He noted that he removed notification via utility

notice as the City uses postcards, and added posting notices on the website, reader boards, and public buildings.

Council Member Williams remarked that Council didn't receive a copy of the Public Participation Plan in their packets.

Council Member Tierney moved, and Council Member Ritchie seconded, to defer the item to the next Council Meeting. Roll was called: Council Member Overby –yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

N. Ordinances

1. Ordinance Amending Chapter 5.12, to the Selah Municipal Code, "Enforcement/Penalties" to Ensure Consistency in Penalty Provisions; Establishing an Effective Date; and, Providing for Severability

City Attorney Noe addressed N – 1. He said that the current Ordinance doesn't define this as a misdemeanor, and that the reason why it has become an issue is that citation is issued for abandoning a dog, but under current code there is no penalty other than a five hundred dollar fee; the individual can't be found committed if he doesn't appear, and with no jailable element the judge cannot issue a warrant.

Council Member Williams noted a typo in section one on the proposed Ordinance.

City Attorney Noe responded that they will strike '10.24' from section one, as it was an error.

Council Member Overby moved, and Council Member Tierney seconded, to approve the Ordinance Amending Chapter 5.12, to the Selah Municipal Code, "Enforcement/Penalties" to Ensure Consistency in Penalty Provisions; Establishing an Effective Date; and, Providing for Severability. Roll was called: Council Member Overby –yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

O. Reports/Announcements

1. Mayor

Mayor Gawlik had no report.

2. Council Members

Council Member Ritchie said that she had inquiries about increasing the frequency of recycling, and wondered if it could be increased to twice a month.

Public Works Director Henne responded that it has not been looked into.

Council Member Ritchie wondered about the cost.

City Administrator Wayman replied that he will look into it, and requested that she communicate items like this to him as quickly as possible to allow staff to research the matter.

Council Member Ritchie asked why backflow testing is required annually even for those residences that don't have a problem.

Public Works Director Henne replied that it's required by the Uniform Plumbing Code. He noted that there is a recycling day every spring and fall, which is advertised on utility bills, the website, and reader boards.

Council Member Overby had no report.

Council Member Tierney had no report.

Council Member Smeback had no report.

Council Member Williams had no report.

3. Department

Public Works Director Henne had no report.

Clerk/Treasurer Novobielski had no report.

Community Planner Durant had no report.

Recreation Manager Brown expressed his thanks to the Public Works and Police Departments, as well as the Latter-Day Saints church and other members of the community, for their assistance with the Army Base Race. He noted that a Japanese soldier took home the trophy once again, adding that City Attorney Noe's daughter took first place in the women's division. He noted that the Selah Park & Recreation Service Area Board will hold an informational public meeting on the Pool Bond at six pm on Wednesday, October 14th, at the Civic Center.

Fire Chief Hanna said that they'd put off hydrant testing this year because of the water situation, but started testing last week. He added that they will be doing public education at the Fair next Wednesday. He stated that they will be doing evaluations of SCBAs over the next two weeks so they can make a well-informed decision on which to purchase. He gave a quick report on some of the larger fires around, noting that all are ninety percent or more contained, and that all firefighters and equipment are home.

Mayor Gawlik asked if he'd seen an increase in the number of volunteer applicants because of the fires.

Fire Chief Hanna responded that they have twenty-one applicants at the moment; Deputy Fire Chief Lange is working through a system of getting them brought on. He added that they typically lose a fair

amount when they find out what's involved, and that the increased number of applicants is typical after large events.

Police Chief Hayes had no report.

Assistant to the City Administrator Potter reminded everyone about the homecoming parade Friday at four pm, noting that First Street past Jim Clements Way will be closed from three thirty to five pm for the event, which precedes the homecoming game later that night. He said that the new middle school's grand opening will be the evening of Wednesday, October 7th, with a reception and tour, and that October 11th is the annual Cowgirl Up For a Cure event, hosted by the Selah Chamber of Commerce and held at the Civic Center, and on October 12th the Selah Downtown Association (SDA) will hold a dinner for all business owners, as well as the City Council, to discuss how donate B&O tax to be used in our local community. He noted that the Yakima Training Center will have an open house and tour of facilities on Thursday, October 15th, to which they have invited the City Council, the SDA, the Selah Chamber, the Selah School District, and City department heads.

Council Member Williams inquired about Volunteer Park funding.

Recreation Manager Brown responded that the grant manager emailed him today, and that they should receive the agreements by the end of this week or early next week.

Mayor Gawlik asked if it was lump sum or reimbursement.

Recreation Manager Brown replied that it is reimbursement.

City Administrator Wayman stated that the park will have to go through a SEPA review before the project can be started. He asked for a consensus as to whether Council desired to push voting on the 10.24 rewrite out for another month.

Council Member Ritchie stated that she was fine either way.

Council Member Overby said that he would like another Study Session to go over the materials, joint if possible, and that he's prefer to keep it to half an hour.

Council Member Tierney and Council Member Smeback concurred.

Council Member Williams desired to have another one hour Study Session and to have the matter on the following meeting's agenda.

Council Member Overby agreed.

City Administrator Wayman stated that they will have a Study Session at the next meeting, then vote at following meeting.

Council Member Smeback suggested submitting a list of questions to Executive Assistant Lake so the Planning Commission will know what to address.

Council Member Williams asked if that was public enough.

Council Member Smeback replied that they would be discussed at a public meeting.

City Administrator Wayman felt they shouldn't send comments or changes via email, recommending that they save comments for the Study Session and make adjustments at that time so the public can hear those changes.

Council Member Overby remarked that it will either pass or go back to the Planning Commission, and that it will never be perfect.

City Attorney Noe had no report.

4. Boards

a. Planning Commission Minutes – September 1, 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 8:28pm. At 8:43pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Q. Adjournment

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

The meeting adjourned at 8:44 pm.

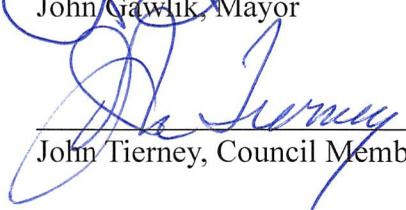
Paul Overby, Council Member



Dave Smeback, Council Member



John Gawlik, Mayor



John Tierney, Council Member

EXCUSED
Allen Schmid, Council Member

EXCUSED



Roy Sample, Council Member



Jane Williams, Council Member



Laura Ritchie, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer