

SELAH CITY COUNCIL

6:30pm September 23, 2014



Selah City Council
Regular Meeting
Tuesday, September 23, 2014
6:30pm
City Council Chambers

Mayor:
Mayor Pro Tem:
Council Members:

John Gawlik
Brooke Finch
Paul Overby
John Tierney
Dave Smeback
Allen Schmid
Roy Sample
Jane Williams

CITY OF SELAH
115 West Naches Avenue
Selah, Washington 98942

City Administrator:
City Attorney:
Clerk/Treasurer:

David Kelly
Bob Noe
Dale Novobielski

AGENDA

- A. Call to Order – Mayor Gawlik
- B. Roll Call
- C. Pledge of Allegiance
- D. Agenda Changes **None**
- E. Public Appearances/Introductions/Presentations
 - 1. Mike King, Lions Club – US flags for City flagpoles
- F. Getting To Know Our Businesses
- G. Communications
 - 1. Oral

This is a public meeting. If you wish to address the Council concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name for the record. The Mayor reserves the right to place a time limit on each person asking to be heard.

- 2. Written **None**
- H. Proclamations/Announcements **None**
- I. Consent Agenda

All items listed with an asterisk (*) are considered routine by the City Council and will be enacted by one motion, without discussion. Should any Council Member or member of the audience request that any item of the Consent Agenda be considered separately, that item will be removed from the Consent Agenda and become a part of the regular Agenda.

- Monica Lake * 1. Approval of Minutes: September 9, 2014 Study Session & Council Meeting
- Dale N. * 2. Approval of Claims & Payroll

- J. Public Hearings
 - Dale N. 1. Public Hearing on Revenue Sources for the 2015 Budget
- K. New Business
 - David Kelly 1. Creation of a New Position
- L. Old Business
 - Charlie Brown 1. Selah Parks & Recreation Program/Activity Price Increase Proposal

M. Resolutions

- Dale N. 1. Resolution Authorizing the Mayor to Sign an Updated Section 125 Cafeteria Plan
- Dennis Davison 2. Resolution Approving the Preliminary Plat of "First and Home Estates" (912.67.14-04) and Adopting Findings and Conditions of Preliminary Plat Approval

N. Ordinances

- Dennis Davison 1. Ordinance Amending Ordinance No.1634 Zoning Map Amendment No. 914.67.14-03 Rezone to Planned Development (PD)

O. Communications

- 1. Oral

This is a public meeting. If you wish to address the Council concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name for the record. The Mayor reserves the right to place a time limit on each person asking to be heard.

P. Reports/Announcements

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

Q. Executive Session

R. Adjournment

Each item on the Council Agenda is covered by an Agenda Item Sheet (AIS)

A yellow AIS indicates an action item.

A blue AIS indicates an information/non-action item.

Next Study Session October 14, 2014
Next Regular Meeting October 14, 2014



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING INFORMATIONAL ITEM

9/23/2014 E – 1

Title: US Flags for City flagpoles

Thru: David Kelly, City Administrator

From: Mike King, Lions Club

Action Requested: Informational - No action

Board/Commission Recommendation: Not applicable

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

N/A

Background / Findings & Facts:

The Lions Club requested permission to address Council regarding a donation of flags to the City for use on City flagpoles.

Recommended Motion:

N/A



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

9/23/2014

I – 1

Title: Approval of Minutes: September 9, 2014 Study Session and Council Meeting

Thru: David Kelly, City Administrator

From: Monica Lake, Executive Assistant

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

Approval of the Minutes from the last Council Meeting.

Background / Findings & Facts:

See Minutes for details.

Recommended Motion:

Motion to approve the Consent Agenda as read. (This item is part of the Consent Agenda)

**Study Session Minutes
Selah City Council
September 9, 2014
3:30pm**

Mayor Gawlik opened the Study Session.

Public Works Director Henne discussed the East Goodlander Road improvement project, noting that it originally consisted of widening the road, reconstruction of the road bed, curbs, gutter, lighting, and sidewalks. He talked about funding sources for the project, such as TIB money for a grind and overlay plus \$8,400 out of the Street Fund, and that it may be possible to get STP monies in four or five years. He also addressed the water and sewer upgrades that need to be done, saying that the funds for that would come out of the Water and Sewer Funds.

Mayor Gawlik polled the Council for a consensus to proceed with the project. Consensus was unanimous.

Mayor Gawlik thanked Public Works Director Henne for his time.

The Study Session ended at 3:56pm.

City of Selah
Council Minutes
September 9, 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: John Tierney; Dave Smeback; Allen Schmid; Brooke Finch; Roy Sample;
Jane Williams

Members Excused: Paul Overby

Staff Present: David Kelly, City Administrator; Bob Noe, City Attorney; Gary Hanna,
Fire Chief; Joe Henne, Public Works Director; Rick Hayes, Police Chief;
Eric Steen, Deputy Police Chief; Charlie Brown, Recreation Manager;
Monica Lake, Executive Assistant

C. Pledge of Allegiance

Council Member Schmid led the Pledge of Allegiance. A moment of silence was observed in memory of 9/11.

D. Agenda Changes **None**

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

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

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Curtis Vangstad approached the podium and addressed the Council. He introduced himself, saying that he is running for County Commissioner for District 3, and spoke briefly about his background and qualifications. He thanked Council for their time.

Norma Smith approached the podium and addressed the Council. She said that she was at the High School earlier today during an emergency; she was impressed by the swift response of the School Resource Officer and that both the Fire and Police departments were there within a minute. She thanked both departments for their efforts, adding the Selah is blessed to have such an awesome Police Department. She expressed her appreciation for the information provided at the Study Session pertaining to the road near the High School, and that she is pleased it will be fixed to make it safer for the community.

Larry Matson approached the podium and addressed the Council. He introduced himself, saying that he is a candidate for the YVCOG director position candidate.

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

2. Written

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: August 26, 2014 Council Meeting and September 4, 2014 Council Retreat

* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 77828 – 77873 for a total of \$213,799.44

Claim Checks Nos. 64463 – 64522 for a total of \$213,222.21

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

J. Public Hearing **None**

K. New Business **None**

L. Old Business **None**

M. Resolutions

1. Resolution Authorizing the Mayor to sign a Funding Application to obtain a grant for City-wide energy improvements

Public Works Director Henne addressed M – 1. He outlined the list of projects that they have identified as those that are necessary and will score well when applying for the Department of Commerce (DOC) grant, noting that the total cost of the project is \$1,645,000, of which \$403,000 is potentially a grant from the DOC, which would leave the City on the hook for \$1,148,000. He outlined the payment plan, which would primarily be paid for by the energy savings from making these changes, and said that he would like to put in \$150,000 out of the sewer reserve fund to help cover costs. He requested that Council authorize the Mayor to sign the application.

Council Member Schmid felt that it would be a good move for the City to apply for the grant, adding that they will need to replace the equipment anyway and will do better with a far more energy efficient system in place.

Council Member Williams wondered if the necessary funds would come out of City coffers.

Public Works Director Henne replied in the affirmative, saying that the DOC would potentially give the City a \$400,000 grant to help with expenses.

Council Member Williams felt uncomfortable because they hadn't seen the audit yet, adding that she wanted to see it before voting on the matter.

Public Works Director Henne responded that the application is due by September 15th or 18th, and that they have been pushing down to the limit to get it done.

Council Member Williams asked, if the City received the grant, would we be obligated to use the funds or could they opt not to.

Public Works Director Henne replied that, if Council chooses not to take the grant money, they will owe \$100,000 to the DOC for the audit.

Murray Greenwood, Amerisco, approached the podium and addressed Council. He affirmed that Council is not obligated if the City is awarded the grant, and that the only fee would be the audit expenditure already approved by Council. He added that some other city would be happy to make use of the funds.

City Administrator Kelly asked for a dollar amount.

Mr. Greenwood responded that DOC would waive their fee, and that the audit fee was \$17,000.

Public Works Director Henne commented that the DOC fee is \$66,000.

Mr. Greenwood remarked that the Regional Supervisor has indicated that they would not take the money.

Council Member Tierney wondered if they could just spend the grant money for what it would cover, or if they were obligated to spend the additional funds if awarded the grant.

Mr. Greenwood stated that they would apply for the grant on this specific project, and they would recalculate if the City changed the scope of the project. He noted that the decision is based on energy savings; these measures save over \$71,000 per year in energy costs.

Council Member Tierney asked if they would have to go out for bonds to take care of this.

Public Works Director Henne replied that the money will come through energy savings.

Council Member Tierney inquired about the source of the upfront expenditure to make the necessary improvements.

Mr. Greenwood remarked that most cities finance through the State Treasurer's local loan program.

Council Member Tierney wondered if it would count against the City's bond indebtedness.

Public Works Director Henne responded in the negative, saying that we can apply and if they turn us down we can deny the program.

City Administrator Kelly said that, while he doesn't know if it goes against the bond indebtedness, they would be saving \$70,000 annually to apply to the \$90,000 payment, and that they are going to replace the equipment whether they go through the program or spend all out of pocket.

Council Member Sample observed that the Resolution says it is for City-wide energy improvements, and asked what else there was aside from the Wastewater Treatment Plant.

Public Works Director Henne replied that there are nine projects in total, which are mostly at the Wastewater Treatment Plant, adding that there were more but they opted not to include some of them.

City Administrator Kelly commented that changing the lights to LED will result in a significant amount of savings.

Police Chief Hayes wondered if the LEDs are brighter and would last longer.

Public Works Director Henne responded that they will last longer; they are a different kind of light, a whiter light.

Police Chief Hayes stated that it will be good for safety.

Council Member Schmid moved, and Council Member Finch seconded, to Approve the Resolution Authorizing the Mayor to sign a Funding Application to obtain a grant for City-wide energy improvements. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.

2. Resolution Approving and Accepting Final Plat No. 912.63.07-01, "Fremont Heights", and Authorizing the Mayor to Sign the Final Plat

Community Planner Davison addressed M – 2. He gave a brief synopsis of the plat from when the preliminary plat was approved to present day, adding that there is one demonstration home currently on the property that was constructed by the owner. He requested that Council approve the final plat so that the owner can record it and start selling off the lots.

Council Member Finch asked how he arrived at the figure for the corporate bond.

Community Planner Davison responded that the price came from a cost estimate of project; Huibregtse, Louman Associates, Inc. reviewed the project, and it was also reviewed in-house. He stated that City Ordinance requires a bond that is fifteen percent of the total value.

Public Works Director Henne commented that they have been waiting to do the hydro-seed per the request of Public Works, as it would have died if they had proceeded with it a couple months ago.

Council Member Sample wondered if it was possible to see the plat.

Community Planner Davison gave him the plat map to review.

Council Member Sample observed that there is a time limit on preliminary plats.

Community Planner Davison replied in the affirmative, saying that it is seven years.

Council Member Sample inquired if they are within that seven year limit.

Community Planner Davison responded that they have a few months to play with, adding that the State approved an extension of time to record final plats to ten years, although Selah hasn't done that yet.

Public Works Director Henne noted that he and Community Planner Davison reviewed the plat because some details have over seven years.

Council Member Sample remarked that the road going through the plat becomes Naches Avenue.

Community Planner Davison replied in the affirmative, noting that it ties in with Heritage Hills Drive.

Public Works Director Henne commented that they changed the street name at 13th because the owner didn't want Heritage Hills Drive in their plat.

Community Planner Davison stated that one house that will now have the Naches Avenue address in place of Heritage Hills.

Council Member Sample had a question regarding stop signs in that area, saying that a lot of people aren't happy with the new stop signs on both sides. He wondered why they were so close to each other.

Public Works Director Henne responded that the one at the bottom of the hill was placed there under a directive from the former administration, while the other two were from the complaints of people in the neighborhood. He noted that they may opt to eliminate the one on 14th & Cedar.

Council Member Sample said that it would make sense to eliminate it.

Council Member Williams inquired about the drainage facilities.

Public Works Director Henne replied that storm drainage is kept onsite; they are using retention basins and the water is going into perforated pipes.

Council Member Williams asked if it would all to stay up within the plat.

Public Works Director Henne responded in the affirmative, adding that the engineer said that when he stamped the plans.

Council Member Williams wondered if he had reviewed all the conditions of approval.

Public Works Director Henne replied that he and Community Planner Davison went through all of the recommendations and conditions to make sure they were met.

Council Member Williams inquired if they would be hydro-seeding over the entire plat.

Public Works Director Henne responded that they are doing it over the steep banks, at an amount of 100 lbs. per acre as recommended by the State.

Council Member Williams asked about the percentage of grade.

Public Works Director Henne replied that they are two to twenty slopes.

Council Member Williams wondered if it met the Critical Area Ordinance requirements.

Public Works Director Henne responded that it exceeds them, noting that the plat was changed and updated from what was approved seven years ago.

Council Member Williams had some concerns about drainage as it has been an issue in other areas.

Public Works Director Henne stated that it was done by a professional engineer, and built in accordance with those plans & specifications.

Council Member Williams inquired if it would have retaining walls and concrete blocks, similar to that further up in Heritage Hills.

Public Works Director Henne replied that those were done by private homeowners.

Mayor Gawlik added that it is also an erosion control step.

Public Works Director Henne agreed.

Council Member Smeback moved, and Council Member Tierney seconded, to Approve the Resolution Approving and Accepting Final Plat No. 912.63.07-01, “Fremont Heights’, and Authorizing the Mayor to Sign the Final Plat. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.

N. Ordinances None

O. Communications

1. Oral

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

P. Reports/Announcements

1. Mayor

Mayor Gawlik said that a refinance of the Marudo property debt was discussed at the recent Council Retreat, as the current rate would save taxpayers approximately twenty-seven thousand annually for the life of the loan. He reminded everyone about the Welcome Home Veterans event taking place this Saturday from 10:00am to 5:00pm at Wixson Park, encouraging all to attend. He stated that he had the pleasure of meeting the commanding officer of the Japanese forces the previous week, and noted that many of their troops would be participating in the Army Base Race.

2. Council Members

Council Member Finch had no report.

Council Member Sample noted that there is a Selah Chamber board meeting tomorrow. He stated that he thought that Mayor Gawlik and City Administrator Kelly did a good job at the retreat, and that he learned a lot that he didn't know. He expressed his support for the revision of the Municipal Code, suggesting that it be made as practical as possible.

Council Member Tierney had no report, but commented that he enjoyed the retreat.

Council Member Smeback had no report, adding that he also enjoyed the retreat and felt they accomplished a lot.

Council Member Williams echoed the comments about the retreat, adding her thanks for the time to talk with City staff.

Council Member Schmid had no report.

3. Departmental

Police Chief Hayes no report;

Public Works Director Henne commented that he heard they were hosting a workshop for the Department of Fish and Wildlife.

Police Chief Hayes responded that he allows them to use their meeting room.

Public Works Director Henne noted that the meeting is to discuss the newest regulations.

Council Member Tierney added that they will also be addressing the issue of making the Naches River a catch and release site.

Fire Chief Hanna said that some of the career staff went over to the library last week to do some public education; they had forty kids and forty adults attend, and will probably do a few more of those throughout the year. He remarked that they had volunteers running the aid station at the Skewered Apple BBQ over the weekend, from gate open to gate close, and that they will also be down at Wixson Park for the Welcome Home Veterans event on the 13th to do a demonstration with the jaws of life. He noted that the Amity club members will be coming to the station tonight for a tour and to get a feel for what the Fire Department does. He stated that they will be participating, along with the other city and district fire departments, with the running of a booth at the fairgrounds this year, both to promote public education and as a recruitment opportunity.

Recreation Manager Brown said that the Welcome Home Veterans event will be held on Saturday at Wixson Park, and that they will have a rock climbing wall, a petting zoo, and information for veterans. He remarked that the Army Base Race is on the 20th, and that the Japanese Army has registered 220 soldiers from their army. He estimated that the total number of runners will be close to 600.

Council Member Williams commented that he did a good job with the pie eating contest.

Community Planner Davison thanked the Council for approving the final plat. He gave a brief update on various projects around town and items that will go before the Planning Commission or the Hearing Examiner in the next couple of months.

Council Member Williams asked about the scraping and gravel by North Park Lodge.

Community Planner Davison replied that it is a staging area for the water pipe project.

Public Works Director Henne thanked the Council for approving his two items, adding that other jurisdictions he has talked with that have been through the process have had good success with it.

Mayor Gawlik asked when they would see windmills all over town.

Public Works Director Henne responded that one project was looking at the installation of solar panels down at pre-treatment.

City Administrator Kelly commented that the State would pay for the solar panels but the City would have to maintain them.

Public Works Director Henne added that a large area would be needed for the panels.

Council Member Tierney remarked that one would think a windmill would provide sufficient power to the treatment plant and the Public Works facility.

Public Works Director Henne replied that no one has ever approached him about that.

Council Member Schmid commented that someone had a couple out in the Naches Heights area, but there wasn't enough wind to generate electricity; it has to be sustained wind.

Public Works Director Henne gave a brief update on both the water improvement project and the Wernex Loop project. He added that the crew will either sweep or water the marathon route, and that they've asked the State about cleaning up their portion as well.

Council Member Schmid complimented him and his crew on the job they done on Home Avenue and Pear Avenue, saying that he drove it and it was nice to drive on a new street.

Public Works Director Henne remarked that the Department of Energy seems to have money to loan or grant at present, although monies for road improvements may be tight for awhile. He said that he took Building Inspector/Code Enforcement Officer Brons, Code Enforcement Officer Knox and Management Assistant/Permit Technician Graziano to a Low Impact Development (LID) meeting, and gave a brief summary of some of the changes that have to be implemented by August 2016.

Council Member Williams wondered why the LID would be needed for rural communities like ours.

Public Works Director Henne responded that it is currently for communities of 10,000 or more, which means that most communities are out, adding that this will change over time with the push to avoid an increase in impervious surfaces.

City Administrator Kelly talked briefly about the possibility of constructing a steel building as the new municipal building to house City Hall and the Police Station.

City Attorney Noe had no report.

4. Boards **None**

Q. Executive Session **None**

R. Adjournment

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

The meeting adjourned at 5:14pm.

John Gawlik, Mayor

EXCUSED

Paul Overby, Council Member

John Tierney, Council Member

Dave Smeback, Council Member

Allen Schmid, Council Member

Brooke Finch, Council Member

Roy Sample, Council Member

Jane Williams, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

9/23/2014

I - 2

Title: Claims & Payroll

Thru: David Kelly, City Administrator

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: See Check Registers

Funding Source: Various. See Check Registers.

Staff Recommendation:

Approval of Claims & Payroll as listed on Check Registers.

Background / Findings & Facts:

See Check Registers.

Recommended Motion:

Motion to Approve the Consent Agenda as read. (This item is part of the Consent Agenda)



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

9/23/2014 J – 1

Title: Public Hearing on Revenue Sources for the 2015 Budget

Thru: David Kelly, City Administrator

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Informational - No action

Board/Commission Recommendation: Not applicable

Fiscal Impact: See attached

Funding Source: see attached

Staff Recommendation:

Hold Public Hearing.

Background / Findings & Facts:

Discuss potential revenue sources for the 2015 Budget.

Recommended Motion:

N/A

2014 PROPERTY TAX

Budget					\$1,436,411	\$993,411 69.2%	\$284,000 19.8%	\$142,000 9.9%	\$17,000 1.2%	\$108,214 EMS	\$50,000 Excise	<u>Totals</u>
2013		2014			Received	General Fund 001 311.10	Fire Control 103 311.10	City Street 110 311.10	Library 120 311.10	Fire Control 103 311.10.10	Capital Improv 301 318.34	
% YTD	YTD	% YTD	YTD	Month								
0.5%	\$7,275	0.2%	\$2,658	Jan	\$2,658.00	1,838.25	525.53	262.76	31.46	\$549.07	\$1,831.14	\$5,038.21
0.9%	13,001	0.5%	6,842	Feb	4,184.12	2,893.71	827.26	413.63	49.52	271.19	3,112.05	7,567.36
5.0%	71,319	2.6%	37,710	Mar	30,868.37	21,348.33	6,103.14	3,051.57	365.33	3,720.50	2,956.38	37,545.25
9.7%	139,477	7.8%	111,480	Apr	73,769.66	51,018.54	14,585.37	7,292.68	873.07	6,157.11	4,007.89	83,934.66
48.6%	698,280	50.5%	724,800	May	613,319.54	424,167.16	121,262.47	60,631.24	7,258.67	43,856.55	3,125.00	660,301.09
53.2%	764,657	53.5%	768,531	Jun	43,731.28	30,244.23	8,646.33	4,323.16	517.56	6,377.62	5,566.10	55,675.01
53.5%	767,931	54.4%	781,239	Jul	12,707.57	8,788.46	2,512.48	1,256.24	150.39	791.11	6,340.33	19,839.01
54.3%	779,819	54.7%	785,426	Aug	4,187.89	2,896.31	828.01	414.00	49.56	478.96	5,680.11	10,346.96
55.5%	797,926	55.4%	795,802	Sep	10,375.87	7,175.87	2,051.47	1,025.73	122.80	589.97	6,855.02	17,820.86
58.7%	842,734			Oct		0.00	0.00	0.00	0.00			0.00
94.8%	1,362,008			Nov		0.00	0.00	0.00	0.00			0.00
97.5%	1,401,074			Dec		0.00	0.00	0.00	0.00			0.00
					\$795,802.30	\$550,370.87	\$157,342.05	\$78,671.03	\$9,418.36	\$62,792.08	\$39,474.02	\$898,068.41
% of Budget						55%	55%	55%	55%	58%	79%	

T

2014 Sales Tax

				Sales Tax					Transit	Public Safety	Hotel Motel	TPA
2014					General Fund 001.098.313.11 70.053%	City Street 110.042.313.11 7.869%	Civic Center 118.075.313.11 0.840%	CE Bldg Prop Reserve 310.098.313.11 21.238%	Transit 119.047.313.21	General Fund 001.000.21 313.15	Tourism 121.000.57 313.31	Tourism 121.000.57 345.60
2013	Budget \$1,309,000			Sales Tax Received	\$917,000	\$103,000	\$11,000	\$278,000	\$385,000	\$200,000	\$13,000	\$12,000
YTD	% YTD	YTD	Month									
\$68,309	6.2%	\$81,150	January	\$81,149.81	\$56,848.26	\$6,385.36	\$681.93	\$17,234.26	\$28,643.63	\$13,343.10	\$570.82	\$674.00
146,038	13.5%	176,215	February	95,065.31	\$66,596.55	\$7,480.31	\$798.87	\$20,189.58	33,553.29	\$16,162.07	\$543.69	\$170.00
203,300	20.8%	272,620	March	96,404.64	\$67,534.80	\$7,585.70	\$810.12	\$20,474.02	34,025.10	\$12,089.90	\$42.89	\$486.00
267,914	27.6%	361,287	April	88,667.34	\$62,114.56	\$6,976.88	\$745.10	\$18,830.80	31,295.23	\$12,584.56	\$549.89	\$618.00
344,269	36.2%	474,360	May	113,072.67	\$79,211.33	\$8,897.24	\$950.19	\$24,013.91	39,720.00	\$15,311.11	\$1,018.57	\$1,122.00
420,077	44.9%	588,114	June	113,754.72	\$79,689.13	\$8,950.91	\$955.92	\$24,158.76	40,148.56	\$14,640.28	\$984.92	\$1,106.00
489,891	54.0%	707,458	July	119,343.19	\$83,604.05	\$9,390.64	\$1,002.88	\$25,345.61	42,120.89	\$15,022.46	\$85.30	\$0.00
572,428	63.9%	836,931	August	129,473.37	\$90,700.60	\$10,187.74	\$1,088.01	\$27,497.02	45,696.71	\$16,995.10	\$1,381.45	\$1,434.00
660,785			September		\$0.00	\$0.00	\$0.00	\$0.00				
744,709			October		\$0.00	\$0.00	\$0.00	\$0.00				
825,398			November		\$0.00	\$0.00	\$0.00	\$0.00				
922,352			December		\$0.00	\$0.00	\$0.00	\$0.00				
TOTALS				\$836,931.05	\$586,299.29	\$65,854.77	\$7,033.03	\$177,743.95	\$295,203.41	\$116,148.58	\$5,177.53	\$5,610.00

2

COMPARISON OF EXTERNAL UTILITY TAX REVENUE

Recvd	Cascade Gas	Charter	EITel Fairpoint	PPL	Cingular	Sprint Nextel	US Cell	Verizon	Tmobile	Monthly Total	YTD
	80,000	60,000	43,000	285,000						2013 Budget \$ 608,000	
January-13	17,405	15,364	3,074	69,294	4,379	977	1,848	3,758	290	116,390	116,390
February-13		5,273	3,240		3,974	1,004	1,777	3,769	328	19,365	135,755
March-13		5,389	3,304		3,915	1,006	1,774	3,514	319	19,220	154,975
April-13	30,507	5,454	3,108	92,157	4,119	1,098	1,732	3,450	372	141,997	296,972
May-13		5,442	3,090		3,978	848	1,760	3,448	335	18,902	315,874
June-13		5,396	3,131		4,228	959	1,701	3,436	314	19,165	335,039
July-13		5,387	3,081	62,962	3,480	1,040	1,758	3,440	328	81,475	416,514
August-13	13,488	5,369	3,101		3,844	910	1,237	3,456	276	31,683	448,198
September-13		5,377	3,175		4,091	927	606	3,515	327	18,017	466,215
October-13	6,436	5,419	3,053	75,174	3,712	1,024	3,412	3,698	402	102,329	568,544
November-13		5,506	3,094		3,478	1,054	2,458	3,711	308	19,608	588,152
December-13		5,516	3,009		3,942	995	1,559	3,717		18,738	606,890
Total	67,837	74,891	37,461	299,587	47,139	11,841	21,622	42,912	3,599	606,890	
+/- 2012	(\$9,843)	\$15,754	(\$2,154)	\$6,464	\$4,308	(\$18)	(\$347)	(\$3,506)	\$142	\$10,800	

ω

	67,000	62,000	42,000	295,000						Monthly Total	YTD
										2014 Budget \$ 616,000	
January-14	23,748	5,562	3,003	76,012	4,143	1,032	2,594	3,709	1	119,804	119,804
February-14		5,965	2,966		3,976	1,043	1,930	3,705	719	20,305	140,109
March-14		5,668	3,202		3,420	981	1,317	3,705	343	18,636	158,745
April-14	38,970	5,973	2,966	98,967	3,443	1,028	2,355	3,743	362	157,808	316,553
May-14		5,841	2,896		3,237	997	1,184	3,899	345	18,399	334,952
June-14		5,618	2,931		3,007	907	2,231	3,694	365	18,753	353,705
July-14	14,553	5,706	2,833	64,653	2,861	794	1,047	3,628	331	96,406	450,111
August-14		5,678	2,867		3,003	861	1,834	3,769	1	18,014	468,125
September-14			2,832							2,832	470,957
October-14										0	470,957
November-14										0	470,957
December-14										0	470,957
Total	77,271	46,012	26,495	239,632	27,091	7,643	14,492	29,853	2,468	470,957	
+/- 2013	\$15,870	(\$7,062)	\$4,541	\$15,218	(\$4,826)	(\$200)	\$905	\$1,582	(\$94)	\$25,935	

W-S-G Utility Tax

	Monthly	YTD
13-Jan	\$66,964	\$66,964
13-Feb	65,345	132,309
13-Mar	62,953	195,262
13-Apr	61,758	257,019
13-May	71,918	328,937
13-Jun	72,940	401,877
13-Jul	82,175	484,052
13-Aug	83,301	567,353
13-Sep	82,262	649,615
13-Oct	82,359	731,974
13-Nov	70,770	802,744
13-Dec	69,415	872,159

	Monthly	YTD
14-Jan	\$65,657	\$65,657
14-Feb	69,004	134,660
14-Mar	65,081	199,741
14-Apr	67,823	267,564
14-May	69,095	336,659
14-Jun	78,313	414,972
14-Jul	82,968	497,940
14-Aug	89,428	587,368
14-Sep		
14-Oct		
14-Nov		
14-Dec		

Monthly Average \$72,680

\$73,421

**CITY OF SELAH
PRELIMINARY 2015 BUDGET
PROPERTY TAXES**

	2015 Budget	%	2014 Budget	2014 Actual Thru Sept	%	2013 Actual	%	2012 Actual	%
<u>Unrestricted Property Taxes</u>									
001 General Fund	\$1,006,437	69%	\$993,411	\$550,371	69%	\$963,421	69%	\$957,450	69%
103 Fire Control	289,680	20%	284,000	157,342	20%	280,966	20%	275,150	20%
110 City Street	144,840	10%	142,000	78,671	10%	140,825	10%	137,000	10%
120 Library	17,000	1%	17,000	9,418	1%	17,000	1%	15,000	1%
Total Unrestricted Prop. Taxes	\$1,457,957	100%	\$1,436,411	\$795,802	100%	\$1,402,212	100%	\$1,384,600	100%

Levy Rate per Thousand

\$2.53

\$2.50

\$2.50

Restricted Property Taxes

103 Fire Control - EMS	\$106,801	\$108,214	\$62,792	\$87,897	\$86,579
231 Fire Station Bond Redem.					
Total Restricted Property Taxes	\$106,801	\$108,214	\$62,792	\$87,897	\$86,579

Levy Rate per Thousand EMS
Bond

0.21

**CITY OF SELAH
PRELIMINARY 2015 BUDGET
SALES TAXES**

Sales Taxes

	2015 Budget	%	2014 Budget	2014 Actual Thru Aug	%	2013 Actual	%	2012 Actual	%
001 General Fund	\$785,000	87.3%	\$917,000	\$586,299	70.1%	\$802,907	87.0%	\$726,750	86.0%
110 City Street	103,000	11.5%	103,000	65,855	7.9%	102,098	11.1%	101,000	11.9%
118 Civic Center	11,000	1.2%	11,000	7,033	0.8%	17,347	1.9%	17,500	2.1%
310 CE Bldg/Prop Reserve	0	0.0%	278,000	177,744	21.2%				
Total Sales Taxes	\$899,000	100%	\$1,309,000	\$836,931	100%	\$922,352	100%	\$845,250	100%

.3% Public Safety

001 General Fund - Police

\$165,000	\$200,000	\$116,149	\$165,420	\$152,180
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.3% Transit

119 Transit

\$325,000	\$385,000	\$295,203	\$325,537	\$298,215
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.1% Criminal Justice

001 General Fund - Police

\$90,000	\$100,000	\$63,457	\$89,885	\$82,688
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Lodging

121 Tourism - Hotel/Motel

121 Tourism - Tourist Promo

\$12,000	\$13,000	\$5,178	\$13,332	\$11,072
\$13,000	\$12,000	\$5,610	\$14,866	\$11,983

CITY OF SELAH

FUND: 001 GENERAL FUND - NON-DEPARTMENTAL

REVENUES

	2015 Budget Estimate	Original 2014 Budget	Amended 2014 Budget	2014 Actual Thru July	2013 Actual	2012 Actual	
316.41	Electric Utility Occup. Tax	320,000	295,000	295,000	239,632	299,587	293,124
316.43	Gas Utility Occup. Tax	85,000	67,000	67,000	77,271	67,837	77,681
316.46	Cable Utility Occup. Tax	70,000	62,000	62,000	41,099	76,174	59,975
316.47	Telephone Utility Occup. Tax	42,000	42,000	42,000	23,563	42,879	43,422
316.47.10	Cellular Utility Occup. Tax	125,000	138,000	138,000	72,941	128,328	131,042
316.48	W-S-G Utility Tax	908,000	881,181	881,181	497,940	872,159	266,316

FUND: 103 FIRE CONTROL

316.48	W-S-G Utility Tax	123,600					
342.20	Fire Dist. No. 2	582,793	413,887	413,887	137,824	409,020	401,333

Fund 150 Fire Equip. Reserve

316.48	W-S-G Utility Tax	92,400					
342.20	Fire Dist. No. 2	127,600					

Fund 170 CE Equip Reserve

316.48	W-S-G Utility Tax	56,000					
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**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

9/23/2014 K – 1

Title: Creation of a New Position

Thru: David Kelly, City Administrator

From: David Kelly, City Administrator

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: \$19,500 (2014), \$78,000 (2015), this is Salary and Benefits

Funding Source: Current Expense 58%, Fire 5%, Street 2%, Transit 5%, Water 10%, Sewer 10%, Garbage 5%. These are the same fund allocations used for the City Administrator position.

Staff Recommendation:

Recommend approval of adding a position for writing grants and managing projects for all City departments.

Background / Findings & Facts:

The City Council and Mayor had retreat that was held on September 4, to discuss the future direction of the City. Many projects were identified to be completed over the next several years, some of which were:

1. Building a new City Hall/Police Station/Library
 - a. Finding grant monies to help fund this project
2. Remodeling and or rebuilding the Civic Center
 - a. Finding grant monies to help fund this project



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



3. Completing Volunteer Park (previously known as North Park), which we have owned and have not developed for about the last 50 years.
 - a. Managing the grant we are about to receive of \$375,000
 - b. Help generate about \$200,000 in matching funds to complete the project.
4. Assisting the Selah Downtown Association get off the ground. This will help this group receive about \$133,000 per year of new money to beautify the City.
5. Work with the Selah Park and Recreation Service Area Board to develop viable options for consideration of continuing our City Pool into the future.
 - a. Find grant monies to help fund this project

Because of the list of projects above, the City Council and Mayor expressed their desire to create a new position to help see these projects through to completion. The position will be titled Assistant to the City Administrator. A job description has been attached.

Recommended Motion:

I move to approve adding an Assistant to the City Administrator position for writing grants and managing projects for all City departments.

CITY OF SELAH

ASSISTANT TO THE CITY ADMINISTRATOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Responsible for providing highly responsible staff assistance to the City Administrator by managing projects in Human Resources, grant writing/management, and facility planning and building.

SUPERVISION RECEIVED AND EXERCISED

Under general supervision of the City Administrator.

Generally none. May supervise part-time or temporary staff as assigned.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS:

Essential responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Review, interpret, develop, modify, and implement City policies and their application to specific situations in all departments; and resolve conflicts involving interpretation of such policies.

1. Find grant opportunities, complete the applications and monitor them through the completion of the project.
2. Lead the process for the City of developing options for a new pool facility, from finding financing to public meetings and deciding how to explain the options to the community.
3. Work with Selah Park & Recreation Service Area Board, Chamber of Commerce, Selah Downtown Association, Selah Parks Foundation, and other special interest groups.
4. Write reports, conduct analyses, and develop recommendations concerning policy issues and program operations for the City Administrator and City Council.
5. Coordinate reports and meetings that involve various City departments and staff members on behalf of the City Administrator.
6. Undertake special studies/projects relating to the City Administration function.
7. Review and evaluate city-wide employee performance evaluations and make recommendation to the City Administrator on how to improve where needed.
8. Assist the City Administrator in preparing and monitoring all of the City's budgets.

PERIPHERAL DUTIES:

Other duties as assigned.

NECESSARY KNOWLEDGE, SKILLS AND ABILITIES:

- Understanding and working knowledge of operational characteristics, services, and activities of a comprehensive urban planning program.
- Working knowledge and experience with land use, growth management and environmental practices and with related City, State, Federal laws, rules, ordinances, guidelines, or principles.
- Working knowledge and experience with site planning and urban plan design review/evaluation and processing of permits.
- Working knowledge and experience with project management and studies including research methods, statistical analysis, technical report writing, and presentation techniques.

- Working knowledge and experience with providing technical and professional staff support to elected policy makers, commissions, and boards.
- Working knowledge and experience with development and monitoring of budgets and expenditures.
- Understand, interpret, explain and apply City, State and Federal laws and ensure compliance with the City's urban planning goals, vision policies and practices, reporting and record keeping.
- Explain policies and procedures and respond appropriately to questions or concerns from other employees, departments, City management, elected officials, citizens, community groups, external third parties, other jurisdictions and the general public.
- Read and understand reference and legal materials such as the Local Government Code and other State statutes.
- Demonstrate ability to avoid any conflict or appearance of conflict of interest in the performance of duties and responsibilities to include election related items.
- Maintain a general knowledge of municipal laws, codes, policies and guidelines and maintain a comprehensive knowledge of laws, codes, policies and guidelines applicable to the job responsibilities.
- Demonstrate an ability to present information in public forums in a professional manner.
- Demonstrate an ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time- sensitive deadlines.

TOOLS & EQUIPMENT USED:

- Use personal computer, utilizing word-processing, spread sheet and database programs or other application software as required for the position.
- Use and operate general office equipment including a calculator, computer, printer, phone, fax, and copier.

QUALIFICATIONS

Education, Experience, and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education and Experience:

- Bachelor's degree (Master's degree preferred) in urban design, urban planning, public administration, or a closely related field;
- *or* a Law degree and three years progressive experience in addressing growth management or land use, including three years at the policy development level, preferably in a local government environment working with elected policy makers, commissions and boards;
- *or* an equivalent combination of education and experience enabling the incumbent to perform the essential functions of the position may be considered

License or certificate:

- Possession of valid Washington State Driver's License

WORKING CONDITIONS

Environmental Conditions:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet.

Physical Conditions:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is occasionally required to walk; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

Work in this class is typically performed in an office environment and may occasionally conduct site visits at various locations. Operation of motor vehicle, occasional travel outside of the City and attendance at meetings or activities outside of normal working hours is also required. Office environment typically requires reaching, fingering, grasping, talking, hearing, seeing, and repetitive motions. Also may require periods of sitting with attention at a computer keyboard and video display terminal, light lifting up to 30 pounds, reaching for files, and accuracy in recording information.

Frequent interruptions of work may be experienced by others seeking information in person or by phone or by changing priorities in the office. On occasion may deal with distraught or difficult individuals.

Note:

1. Any combination of education and experience may be substituted, so long as it provides the desired skills, knowledge and abilities to perform the essential functions of the job.
2. All requirements are subject to possible modification to reasonably accommodate individuals with disabilities. However, some requirements may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees.
3. While requirements may be representative of minimum levels of knowledge, skills and abilities to perform this job successfully, the employee will possess the abilities or aptitudes to perform each duty proficiently.
4. This job description in no way implies that these are the only duties to be performed. Employees occupying the position will be required to follow any other job-related instructions and to perform any other job related duties requested by their supervisor.

I have read and understand this class description.

Signature

Date



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

9/23/2014 L – 1

Title: Selah Parks & Recreation Program/Activity Price Increase Proposal

Thru: David Kelly, City Administrator

From: Charlie Brown, Recreation Manager

Action Requested: Approval

Board/Commission Recommendation: Approval

Fiscal Impact: Increased revenue

Funding Source: Fund 001

Staff Recommendation:

I recommend that the department be allowed to adjust our prices of our programs and rentals.

Background / Findings & Facts:

In the past we have charged Resident / School District / Non-Resident fees. The problem is that there is no way to enforce this online. All the software registration programs only allow for resident / non-resident, so we lose money on anyone that should have paid the third fee. What we are proposing is to go to a two price structure and have adjusted the prices to make them reasonable. We are also suggesting that with park rentals we allow people to rent by the hour with a two hour minimum. We have always had predetermined blocks of time and not everyone wants that, some groups want four hours and had to pay for two time periods or they would rent one and then call and verify that nobody else had rented after them and then just stay.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Recommended Motion:

I recommend that we approve the new price structure for the Parks and Recreation Department.

Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
8/26/2014	Presented proposal to Council. Council voted to have fees adjusted and brought before them at a later time.

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Numbers of Registration by Location

	Soccer Fall 2013	Soccer Spring 2014	Flag Football 2014	T-Ball 2014	Basketball 2014
98942	*344	*270	*68	*88	*292
98901	37	24	12	6	26
Naches	**47	**35	0	0	0
Yakima	**54	**45	12	3	**24
Other	**9	**6	5	0	**8
TOTAL KIDS	491	380	97	97	350
	*City Res and SSD, No way to separate	*City Res and SSD, No way to separate	*City Res and SSD, No way to separate	*City Res and SSD, No way to separate	*City Res and SSD, No way to separate
	**74 kids paid SSD Price because coach took care of paperwork	**74 kids paid SSD Price because coach took care of paperwork			**10 kids paid SSD price because coach took care of the paperwork
	2 Kids paid Non-Res price	No participants paid for out of city price, just Res & SSD	No participants paid for out of city price, just Res & SSD	No participants paid for out of city price, just Res & SSD	5 Kids paid Non-Res price

Old vs New Prices (Actual Paid)

	Season 1	Season 2	Year Total
Old Soccer Prices Resident	\$48.52	\$48.52	\$97.04
New Soccer Prices Resident	\$50.00	\$35.00	\$85.00
Old Basketball Resident	\$48.52		\$48.52
New Basketball Resident	\$50.00		\$51.00
Old Flag Football Resident	\$48.52		\$48.52
New Flag Football Resident	\$50.00		\$51.00
Old T-Ball Resident	\$36.49		\$36.49
New T-Ball Resident	\$37.00		\$38.00
Old Tiny Tots Resident	\$36.49	\$36.49	\$72.98
New Tiny Tots Resident	\$37.00	\$37.00	\$74.00
Old Little Dribblers Resident	\$36.49	\$36.49	\$72.98
New Little Dribblers Resident	\$37.00	\$37.00	\$74.00

Old vs New (Actual Paid)

	Season 1	Season 2	Year Total
Old Soccer Prices Non-Resident	\$59.80	\$59.80	\$119.60
New Soccer Prices Non-Resident	\$65.00	\$50.00	\$115.00
Old Basketball Non-Resident	\$59.80		\$59.80
New Basketball Non-Resident	\$65.00		\$64.00
Old Flag Football Non-Resident	\$59.80		\$59.80
New Flag Football Non-Resident	\$65.00		\$64.00
Old T-Ball Non-Resident	\$46.92		\$46.92
New T-Ball Non-Resident	\$48.00		\$49.00
Old Tiny Tots Non-Resident	\$46.92	\$46.92	\$93.84
New Tiny Tots Non-Resident	\$48.00	\$48.00	\$96.00
Old Little Dribblers Non-Resident	\$46.92	\$46.92	\$93.84
New Little Dribblers Non-Resident	\$48.00	\$48.00	\$96.00



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

9/23/2014 M – 1

Title: Resolution Authorizing the Mayor to Sign An Updated Section 125 Cafeteria Plan

Thru: David Kelly, City Administrator

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: The City and employees will continue to save payroll fringe benefit costs (Social Security) and the employee will have reduced Federal Income Tax on eligible voluntary insurance coverage paid by the employee.

Funding Source: N/A

Staff Recommendation:

Approve Resolution.

Background / Findings & Facts:

In accordance with the Internal Revenue Code (IRC) the City is required to maintain a Section 125 Cafeteria Plan in order to receive exemption from taxes on eligible voluntary insurance coverage.

Recommended Motion:

I move to approve the Resolution authorizing the Mayor to sign an updated Section 125 Cafeteria Plan.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN UPDATED
SECTION 125 CAFETERIA PLAN**

WHEREAS, the City of Selah wishes to continue to provide its employees with a Section 125 Cafeteria plan for health and disability premiums;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Mayor be authorized to sign an updated Section 125 Cafeteria Plan and that the employees be provided with a copy of the summary description of the Plan in the form of the Summary Plan Description, attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 23rd day of September 2014.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

RESOLUTION NO. _____

**CITY OF SELAH
PREMIUM ONLY PLAN DOCUMENT
SUMMARY PLAN DESCRIPTION**

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**X
SUMMARY**

**CITY OF SELAH
PREMIUM ONLY PLAN DOCUMENT**

INTRODUCTION

We have amended the "Premium Payment Plan" that we previously established for you and other eligible employees. Under this Plan, you will be able to pay for insurance coverage that we make available to you with a portion of your pay before Federal income or social security taxes are withheld.

Read this Summary Plan Description carefully so that you understand the provisions of our amended Plan and the benefits you will receive. This SPD describes the Plan's benefits and obligations as contained in the legal Plan document, which governs the operation of the Plan. The Plan document is written in much more technical and precise language. If the non-technical language in this SPD and the technical, legal language of the Plan document conflict, the Plan document always governs. Also, if there is a conflict between an insurance contract and either the Plan document or this Summary Plan Description, the insurance contract will control. If you wish to receive a copy of the legal Plan document, please contact the Administrator.

This SPD describes the current provisions of the Plan which are designed to comply with applicable legal requirements. The Plan is subject to federal laws, such as the Internal Revenue Code and other federal and state laws which may affect your rights. The provisions of the Plan are subject to revision due to a change in laws or due to pronouncements by the Internal Revenue Service (IRS) or other federal agencies. We may also amend or terminate this Plan. If the provisions of the Plan that are described in this SPD change, we will notify you.

We have attempted to answer most of the questions you may have regarding your benefits in the Plan. If this SPD does not answer all of your questions, please contact the Administrator (or other plan representative). The name and address of the Administrator can be found in the Article of this SPD entitled "General Information About the Plan."

**I
ELIGIBILITY**

1. When can I become a participant in the Plan?

Before you become a Plan member (referred to in this Summary Plan Description as a "Participant"), there are certain rules which you must satisfy. First, you must meet the eligibility requirements and be an active employee. After that, the next step is to actually join the Plan on the "entry date" that we have established for all employees. The "entry date" is defined in Question 3 below.

2. What are the eligibility requirements for our Plan?

You will be eligible to join the Plan once you have satisfied the conditions for coverage under our group medical plan. Of course, if you were already a participant before this amendment, you will remain a participant.

3. When is my entry date?

You can join the Plan on the same day you can enter our group medical plan.

4. What must I do to enroll in the Plan?

Before you can join the Plan, you must complete an application to participate in the Plan. You must also authorize us to set some of your earnings aside for you in order to pay the insurance premiums for the coverage you have elected.

**II
OPERATION**

1. How does this Plan operate?

Before the start of each Plan Year, you will be able to elect to have some of your upcoming pay paid to the Plan. The money will be used to pay for insurance coverage. The portion of your pay that is contributed to pay the premium expense is not subject to Federal income or Social Security taxes. In other words, the plan allows you to use tax-free dollars to pay for insurance coverage which you normally pay for with out-of-pocket, taxable dollars. (See the Article entitled "General Information About Our Plan" for the definition of "Plan Year.")

**III
CONTRIBUTIONS**

1. How much of my pay may the Employer redirect?

Each year, you may elect to have us contribute on your behalf enough of your compensation to pay for the benefits that you elect under the Plan. These amounts will be deducted from your pay over the course of the year.

2. What happens to contributions made to the Plan?

Before each Plan Year begins, you will select the insurance coverage you desire. Then, during each pay period, the contributions will be used to pay the premium expense for the insurance coverage you have selected.

3. When must I decide what insurance coverage I want?

You are required by Federal law to decide before the Plan Year begins, during the election period (defined below).

4. When is the election period for our Plan?

You will make your initial election on or before your entry date. (You should review Section I on Eligibility to better understand the eligibility requirements and entry date.) Then, for each following Plan Year, the election period is established by the Administrator and applied uniformly to all Participants. It will normally be a period of time prior to the beginning of each Plan Year. The Administrator will inform you each year about the election period. (See the Article entitled "General Information About Our Plan" for the definition of Plan Year.)

5. May I change my elections during the Plan Year?

Generally, you cannot change the elections you have made after the beginning of the Plan Year. However, there are certain limited situations when you can change your elections. You are permitted to change elections if you have a "change in status" and you make an election change that is consistent with the change in status. Currently, Federal law considers the following events to be a change in status:

- Marriage, divorce, death of a spouse, legal separation or annulment;
- Change in the number of dependents, including birth, adoption, placement for adoption, or death of a dependent;
- Any of the following events for you, your spouse or dependent: termination or commencement of employment, a strike or lockout, commencement or return from an unpaid leave of absence, a change in worksite, or any other change in employment status that affects eligibility for benefits;
- One of your dependents satisfies or ceases to satisfy the requirements for coverage due to change in age, student status, or any similar circumstance; and
- A change in the place of residence of you, your spouse or dependent that would lead to a change in status, such as moving out of a coverage area for insurance.

There are detailed rules on when a change in election is deemed to be consistent with a change in status. In addition, there are laws that give you rights to change health coverage for you, your spouse, or your dependents. If you change coverage due to rights you have under the law, then you can make a corresponding change in your elections under the Plan. If any of these conditions apply to you, you should contact the Administrator.

If the cost of a benefit provided under the Plan increases or decreases during a Plan Year, then we will automatically increase or decrease, as the case may be, your salary redirection election. If the cost increases significantly, you will be permitted to either make corresponding changes in your payments or revoke your election and obtain coverage under another benefit package option with similar coverage, or revoke your election entirely.

If the coverage under a Benefit is significantly curtailed or ceases during a Plan Year, then you may revoke your elections and elect to receive on a prospective basis coverage under another plan with similar coverage. In addition, if we add a new coverage option or eliminate an existing option, you may elect the newly-added option (or elect another option if an option has been eliminated) and make corresponding election changes to other options providing similar coverage. If you are not a Participant, you may elect to join the Plan. There are also certain situations when you may be able to change your elections on account of a change under the plan of your spouse's, former spouse's or dependent's employer.

6. May I make new elections in future Plan Years?

Yes, you may. For each new Plan Year, you may change the elections that you previously made. You may also choose not to participate in the Plan for the upcoming Plan Year. If you do not make new elections during the election period before a new Plan Year begins, we will assume you want your elections for insured benefits only to remain the same.

IV BENEFITS

1. What insurance coverage may I purchase?

Under our Plan, you can purchase the following insurance coverage:

- Health care premiums under our insured group medical plan.
- Our dental insurance plan.
- Our disability insurance plan.
- Our cancer insurance plan.
- Our vision insurance plan.

Certain limits may apply on the amount of coverage that we obtain on your behalf. The insurance contracts will normally control.

The Administrator may terminate or modify Plan benefits at any time, subject to the provisions of any insurance contracts providing benefits described above. We will not be liable to you if an insurance company fails to provide any of the benefits described above. Also, your insurance will end when you leave employment, are no longer eligible under the terms of any insurance policies, or when insurance terminates.

Any benefits to be provided by insurance will be provided only after (1) you have provided the Administrator the necessary information to apply for insurance, and (2) the insurance is in effect for you.

If you cover your children up to age 26 under your insurance, you can pay for that coverage through the Plan.

V BENEFIT PAYMENTS

1. When will I receive benefit payments?

The amount of pay you contribute to the Plan will be used to pay the premiums for the insurance coverage that is available. The provisions of the insurance policies will control what benefits will be paid and when.

2. Family and Medical Leave Act (FMLA)

If you take leave under the Family and Medical Leave Act, you may revoke or change your existing elections for health insurance. If your coverage in these benefits terminates, due to your revocation of the benefit while on leave or due to your non-payment of contributions, you will be permitted to reinstate coverage for the remaining part of the Plan Year upon your return.

If you continue your coverage during your unpaid leave, you may pre-pay for the coverage, you may pay for your coverage on an after-tax basis while you are on leave, or you and your Employer may arrange a schedule for you to "catch up" your payments when you return.

3. What happens if I terminate employment?

If you terminate employment during the Plan Year, your right to benefits will be determined in the following manner:

- (a) For health benefit coverage on termination of employment, please see the Article entitled "Continuation Coverage Rights Under COBRA."

4. Will my Social Security benefits be affected?

Your Social Security benefits may be slightly reduced because when you receive tax-free benefits under our Plan, it reduces the amount of contributions that you make to the Federal Social Security system as well as our contribution to Social Security on your behalf.

VI HIGHLY COMPENSATED EMPLOYEES

1. Do limitations apply to highly compensated employees?

Under the Internal Revenue Code, highly compensated employees generally are Participants who are shareholders or highly paid. You will be notified by the Administrator each Plan Year whether you are a highly compensated employee.

If you are within these categories, the amount of contributions and benefits for you may be limited so that the Plan as a whole does not unfairly favor those who are highly paid, their spouses or their dependents.

Plan experience will dictate whether contribution limitations on highly compensated employees will apply. You will be notified of these limitations if you are affected.

VII GENERAL INFORMATION ABOUT OUR PLAN

This Section contains certain general information which you may need to know about the Plan.

1. General Plan Information

City of Selah Premium Only Plan Document is the name of the Plan.

Your Employer has assigned Plan Number 520 to your Plan.

The provisions of your amended Plan become effective on October 1st, 2014. Your Plan was originally effective on October 1st, 2004.

Your Plan's records are maintained on a twelve-month period of time. This is known as the Plan Year. The Plan Year begins on October 1st and ends on September 30th.

2. Employer Information

Your Employer's name, address, and identification number are:

City of Selah
115 W Naches Avenue
Selah, Washington 98942
91-6001501

3. Plan Administrator Information

The name, address and business telephone number of your Plan's Administrator are:

City of Selah
115 W Naches Avenue
Selah, Washington 98942
509-698-7334

The Administrator keeps the records for the Plan and is responsible for the administration of the Plan. The Administrator will also answer any questions you may have about our Plan. You may contact the Administrator for any further information about the Plan.

4. Service of Legal Process

The name and address of the Plan's agent for service of legal process are:

City of Selah
115 W Naches Avenue
Selah, Washington 98942

5. Type of Administration

The type of Administration is Insurer Administration.

VIII ADDITIONAL PLAN INFORMATION

1. Insurance Procedures

Claims that are insured will be handled in accordance with procedures contained in the insurance policies. All other general requests should be directed to the Administrator of our Plan.

IX CONTINUATION COVERAGE RIGHTS UNDER COBRA

Under federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), certain employees and their families covered under health benefits under this Plan will be entitled to the opportunity to elect a temporary extension of health coverage (called "COBRA continuation coverage") where coverage under the Plan would otherwise end. This notice is intended to inform Plan Participants and beneficiaries, in summary fashion, of their rights and obligations under the continuation coverage provisions of COBRA, as amended and reflected in final and proposed regulations published by the Department of the Treasury. This notice is intended to reflect the law and does not grant or take away any rights under the law.

The Plan Administrator or its designee is responsible for administering COBRA continuation coverage. Complete instructions on COBRA, as well as election forms and other information, will be provided by the Plan Administrator or its designee to Plan Participants who become Qualified Beneficiaries under COBRA. While the Plan itself is not a group health plan, it does provide health benefits. Whenever "Plan" is used in this section, it means any of the health benefits under this Plan.

1. What is COBRA continuation coverage?

COBRA continuation coverage is the temporary extension of group health plan coverage that must be offered to certain Plan Participants and their eligible family members (called "Qualified Beneficiaries") at group rates. The right to COBRA continuation coverage is triggered by the occurrence of a life event that results in the loss of coverage under the terms of the Plan (the "Qualifying Event"). The coverage must be identical to the coverage that the Qualified Beneficiary had immediately before the Qualifying Event, or if the coverage has been changed, the coverage must be identical to the coverage provided to similarly situated active employees who have not experienced a Qualifying Event (in other words, similarly situated non-COBRA beneficiaries).

2. Who can become a Qualified Beneficiary?

In general, a Qualified Beneficiary can be:

- (a) Any individual who, on the day before a Qualifying Event, is covered under a Plan by virtue of being on that day either a covered Employee, the Spouse of a covered Employee, or a Dependent child of a covered Employee. If, however, an individual who otherwise qualifies as a Qualified Beneficiary is denied or not offered coverage under the Plan under circumstances in which the denial or failure to offer constitutes a violation of applicable law, then the individual will be considered to have had the coverage and will be considered a Qualified Beneficiary if that individual experiences a Qualifying Event.
- (b) Any child who is born to or placed for adoption with a covered Employee during a period of COBRA continuation coverage, and any individual who is covered by the Plan as an alternate recipient under a qualified medical support order. If, however, an individual who otherwise qualifies as a Qualified Beneficiary is denied or not offered coverage under the Plan under circumstances in which the denial or failure to offer constitutes a violation of applicable law, then the individual will be considered to have had the coverage and will be considered a Qualified Beneficiary if that individual experiences a Qualifying Event.

The term "covered Employee" includes any individual who is provided coverage under the Plan due to his or her performance of services for the employer sponsoring the Plan. However, this provision does not establish eligibility of these individuals. Eligibility for Plan coverage shall be determined in accordance with Plan Eligibility provisions.

An individual is not a Qualified Beneficiary if the individual's status as a covered Employee is attributable to a period in which the individual was a nonresident alien who received from the individual's Employer no earned income that constituted income from sources within the United States. If, on account of the preceding reason, an individual is not a Qualified Beneficiary, then a Spouse or Dependent child of the individual will also not be considered a Qualified Beneficiary by virtue of the relationship to the individual. A domestic partner is not a Qualified Beneficiary.

Each Qualified Beneficiary (including a child who is born to or placed for adoption with a covered Employee during a period of COBRA continuation coverage) must be offered the opportunity to make an independent election to receive COBRA continuation coverage.

3. What is a Qualifying Event?

A Qualifying Event is any of the following if the Plan provided that the Plan participant would lose coverage (i.e., cease to be covered under the same terms and conditions as in effect immediately before the Qualifying Event) in the absence of COBRA continuation coverage:

- (a) The death of a covered Employee.
- (b) The termination (other than by reason of the Employee's gross misconduct), or reduction of hours, of a covered Employee's employment.

- (c) The divorce or legal separation of a covered Employee from the Employee's Spouse. If the Employee reduces or eliminates the Employee's Spouse's Plan coverage in anticipation of a divorce or legal separation, and a divorce or legal separation later occurs, then the divorce or legal separation may be considered a Qualifying Event even though the Spouse's coverage was reduced or eliminated before the divorce or legal separation.
- (d) A covered Employee's enrollment in any part of the Medicare program.
- (e) A Dependent child's ceasing to satisfy the Plan's requirements for a Dependent child (for example, attainment of the maximum age for dependency under the Plan).

If the Qualifying Event causes the covered Employee, or the covered Spouse or a Dependent child of the covered Employee, to cease to be covered under the Plan under the same terms and conditions as in effect immediately before the Qualifying Event, the persons losing such coverage become Qualified Beneficiaries under COBRA if all the other conditions of COBRA are also met. For example, any increase in contribution that must be paid by a covered Employee, or the Spouse, or a Dependent child of the covered Employee, for coverage under the Plan that results from the occurrence of one of the events listed above is a loss of coverage.

The taking of leave under the Family and Medical Leave Act of 1993 ("FMLA") does not constitute a Qualifying Event. A Qualifying Event will occur, however, if an Employee does not return to employment at the end of the FMLA leave and all other COBRA continuation coverage conditions are present. If a Qualifying Event occurs, it occurs on the last day of FMLA leave and the applicable maximum coverage period is measured from this date (unless coverage is lost at a later date and the Plan provides for the extension of the required periods, in which case the maximum coverage date is measured from the date when the coverage is lost.) Note that the covered Employee and family members will be entitled to COBRA continuation coverage even if they failed to pay the employee portion of premiums for coverage under the Plan during the FMLA leave.

4. What factors should be considered when determining to elect COBRA continuation coverage?

You should take into account that a failure to continue your group health coverage will affect your rights under federal law. First, you can lose the right to avoid having pre-existing condition exclusions applied by other group health plans if there is more than a 63-day gap in health coverage and election of COBRA continuation coverage may help you avoid such a gap. (These pre-existing condition exclusions will only apply during Plan Years that begin before January 1, 2014.) Second, if you do not elect COBRA continuation coverage and pay the appropriate premiums for the maximum time available to you, you will lose the right to convert to an individual health insurance policy, which does not impose such pre-existing condition exclusions. Finally, you should take into account that you have special enrollment rights under federal law (HIPAA). You have the right to request special enrollment in another group health plan for which you are otherwise eligible (such as a plan sponsored by your Spouse's employer) within 30 days after Plan coverage ends due to a Qualifying Event listed above. You will also have the same special right at the end of COBRA continuation coverage if you get COBRA continuation coverage for the maximum time available to you.

5. What is the procedure for obtaining COBRA continuation coverage?

The Plan has conditioned the availability of COBRA continuation coverage upon the timely election of such coverage. An election is timely if it is made during the election period.

6. What is the election period and how long must it last?

The election period is the time period within which the Qualified Beneficiary must elect COBRA continuation coverage under the Plan. The election period must begin no later than the date the Qualified Beneficiary would lose coverage on account of the Qualifying Event and ends 60 days after the later of the date the Qualified Beneficiary would lose coverage on account of the Qualifying Event or the date notice is provided to the Qualified Beneficiary of her or his right to elect COBRA continuation coverage. If coverage is not elected within the 60 day period, all rights to elect COBRA continuation coverage are forfeited.

Note: If a covered Employee who has been terminated or experienced a reduction of hours qualifies for a trade readjustment allowance or alternative trade adjustment assistance under a federal law called the Trade Act of 2002, and the employee and his or her covered dependents have not elected COBRA coverage within the normal election period, a second opportunity to elect COBRA coverage will be made available for themselves and certain family members, but only within a limited period of 60 days or less and only during the six months immediately after their group health plan coverage ended. Any person who qualifies or thinks that he or she and/or his or her family members may qualify for assistance under this special provision should contact the Plan Administrator or its designee for further information.

The Trade Act of 2002 also created a tax credit for certain TAA-eligible individuals and for certain retired employees who are receiving pension payments from the Pension Benefit Guaranty Corporation (PBGC) (eligible individuals). Under the new tax provisions, eligible individuals can either take a tax credit or get advance payment of a part of the premiums paid for qualified health insurance, including continuation coverage. If you have questions about these new tax provisions, you may call the Health Coverage Tax Credit Consumer Contact Center toll-free at 1-866-628-4282. TTD/TTY callers may call toll-free at 1-866-626-4282. More information about the Trade Act is also available at www.doleta.gov/tradeact.

7. Is a covered Employee or Qualified Beneficiary responsible for informing the Plan Administrator of the occurrence of a Qualifying Event?

The Plan will offer COBRA continuation coverage to Qualified Beneficiaries only after the Plan Administrator or its designee has been timely notified that a Qualifying Event has occurred. The Employer (if the Employer is not the Plan Administrator) will notify the Plan Administrator or its designee of the Qualifying Event within 30 days following the date coverage ends when the Qualifying Event is:

- (a) the end of employment or reduction of hours of employment,
- (b) death of the employee,
- (c) commencement of a proceeding in bankruptcy with respect to the Employer, or
- (d) entitlement of the employee to any part of Medicare.

IMPORTANT:

For the other Qualifying Events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you or someone on your behalf must notify the Plan Administrator or its designee in writing within 60 days after the Qualifying Event occurs, using the procedures specified below. If these procedures are not followed or if the notice is not provided in writing to the Plan Administrator or its designee during the 60-day notice period, any spouse or dependent child who loses coverage will not be offered the option to elect continuation coverage. You must send this notice to the Plan Administrator or its designee.

NOTICE PROCEDURES:

Any notice that you provide must be *in writing*. Oral notice, including notice by telephone, is not acceptable. You must mail, fax or hand-deliver your notice to the person, department or firm listed below, at the following address:

City of Selah
115 W Naches Avenue
Selah, Washington 98942

If mailed, your notice must be postmarked no later than the last day of the required notice period. Any notice you provide must state:

- the name of the plan or plans under which you lost or are losing coverage,
- the name and address of the employee covered under the plan,
- the name(s) and address(es) of the Qualified Beneficiary(ies), and
- the Qualifying Event and the date it happened.

If the Qualifying Event is a divorce or legal separation, your notice must include a copy of the divorce decree or the legal separation agreement.

Be aware that there are other notice requirements in other contexts, for example, in order to qualify for a disability extension.

Once the Plan Administrator or its designee receives *timely notice* that a Qualifying Event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each Qualified Beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage for their spouses, and parents may elect COBRA continuation coverage on behalf of their children. For each Qualified Beneficiary who elects COBRA continuation coverage, COBRA continuation coverage will begin on the date that plan coverage would otherwise have been lost. If you or your spouse or dependent children do not elect continuation coverage within the 60-day election period described above, the right to elect continuation coverage will be lost.

8. Is a waiver before the end of the election period effective to end a Qualified Beneficiary's election rights?

If, during the election period, a Qualified Beneficiary waives COBRA continuation coverage, the waiver can be revoked at any time before the end of the election period. Revocation of the waiver is an election of COBRA continuation coverage. However, if a waiver is later revoked, coverage need not be provided retroactively (that is, from the date of the loss of coverage until the waiver is revoked). Waivers and revocations of waivers are considered made on the date they are sent to the Plan Administrator or its designee, as applicable.

9. Is COBRA coverage available if a Qualified Beneficiary has other group health plan coverage or Medicare?

Qualified Beneficiaries who are entitled to elect COBRA continuation coverage may do so even if they are covered under another group health plan or are entitled to Medicare benefits on or before the date on which COBRA is elected. However, a Qualified Beneficiary's COBRA coverage will terminate automatically if, after electing COBRA, he or she becomes entitled to Medicare or becomes

covered under other group health plan coverage (but only after any applicable preexisting condition exclusions of that other plan have been exhausted or satisfied).

10. When may a Qualified Beneficiary's COBRA continuation coverage be terminated?

During the election period, a Qualified Beneficiary may waive COBRA continuation coverage. Except for an interruption of coverage in connection with a waiver, COBRA continuation coverage that has been elected for a Qualified Beneficiary must extend for at least the period beginning on the date of the Qualifying Event and ending not before the earliest of the following dates:

- (a) The last day of the applicable maximum coverage period.
- (b) The first day for which Timely Payment is not made to the Plan with respect to the Qualified Beneficiary.
- (c) The date upon which the Employer ceases to provide any group health plan (including a successor plan) to any employee.
- (d) The date, after the date of the election, that the Qualified Beneficiary first becomes covered under any other Plan that does not contain any exclusion or limitation with respect to any pre-existing condition, other than such an exclusion or limitation that does not apply to, or is satisfied by, the Qualified Beneficiary.
- (e) The date, after the date of the election, that the Qualified Beneficiary first becomes entitled to Medicare (either part A or part B, whichever occurs earlier).
- (f) In the case of a Qualified Beneficiary entitled to a disability extension, the later of:
 - (1) (i) 29 months after the date of the Qualifying Event, or (ii) the first day of the month that is more than 30 days after the date of a final determination under Title II or XVI of the Social Security Act that the disabled Qualified Beneficiary whose disability resulted in the Qualified Beneficiary's entitlement to the disability extension is no longer disabled, whichever is earlier; or
 - (2) the end of the maximum coverage period that applies to the Qualified Beneficiary without regard to the disability extension.

The Plan can terminate for cause the coverage of a Qualified Beneficiary on the same basis that the Plan terminates for cause the coverage of similarly situated non-COBRA beneficiaries, for example, for the submission of a fraudulent claim.

In the case of an individual who is not a Qualified Beneficiary and who is receiving coverage under the Plan solely because of the individual's relationship to a Qualified Beneficiary, if the Plan's obligation to make COBRA continuation coverage available to the Qualified Beneficiary ceases, the Plan is not obligated to make coverage available to the individual who is not a Qualified Beneficiary.

11. What are the maximum coverage periods for COBRA continuation coverage?

The maximum coverage periods are based on the type of the Qualifying Event and the status of the Qualified Beneficiary, as shown below.

- (a) In the case of a Qualifying Event that is a termination of employment or reduction of hours of employment, the maximum coverage period ends 18 months after the Qualifying Event if there is not a disability extension and 29 months after the Qualifying Event if there is a disability extension.
- (b) In the case of a covered Employee's enrollment in the Medicare program before experiencing a Qualifying Event that is a termination of employment or reduction of hours of employment, the maximum coverage period for Qualified Beneficiaries ends on the later of:
 - (1) 36 months after the date the covered Employee becomes enrolled in the Medicare program. This extension does not apply to the covered Employee; or
 - (2) 18 months (or 29 months, if there is a disability extension) after the date of the covered Employee's termination of employment or reduction of hours of employment.
- (c) In the case of a Qualified Beneficiary who is a child born to or placed for adoption with a covered Employee during a period of COBRA continuation coverage, the maximum coverage period is the maximum coverage period applicable to the Qualifying Event giving rise to the period of COBRA continuation coverage during which the child was born or placed for adoption.
- (d) In the case of any other Qualifying Event than that described above, the maximum coverage period ends 36 months after the Qualifying Event.

12. Under what circumstances can the maximum coverage period be expanded?

If a Qualifying Event that gives rise to an 18-month or 29-month maximum coverage period is followed, within that 18- or 29-month period, by a second Qualifying Event that gives rise to a 36-month maximum coverage period, the original period is expanded to 36 months, but only for individuals who are Qualified Beneficiaries at the time of and with respect to both Qualifying Events. In no circumstance can the COBRA maximum coverage period be expanded to more than 36 months after the date of the first Qualifying Event. The Plan Administrator must be notified of the second qualifying event within 60 days of the second qualifying event. This notice must be sent to the Plan Administrator or its designee in accordance with the procedures above.

13. How does a Qualified Beneficiary become entitled to a disability extension?

A disability extension will be granted if an individual (whether or not the covered Employee) who is a Qualified Beneficiary in connection with the Qualifying Event that is a termination or reduction of hours of a covered Employee's employment, is determined under Title II or XVI of the Social Security Act to have been disabled at any time during the first 60 days of COBRA continuation coverage. To qualify for the disability extension, the Qualified Beneficiary must also provide the Plan Administrator with notice of the disability determination on a date that is both within 60 days after the date of the determination and before the end of the original 18-month maximum coverage. This notice must be sent to the Plan Administrator or its designee in accordance with the procedures above.

14. Does the Plan require payment for COBRA continuation coverage?

For any period of COBRA continuation coverage under the Plan, Qualified Beneficiaries who elect COBRA continuation coverage may be required to pay up to 102% of the applicable premium and up to 150% of the applicable premium for any expanded period of COBRA continuation coverage covering a disabled Qualified Beneficiary due to a disability extension. Your Plan Administrator will inform you of the cost. The Plan will terminate a Qualified Beneficiary's COBRA continuation coverage as of the first day of any period for which timely payment is not made.

15. Must the Plan allow payment for COBRA continuation coverage to be made in monthly installments?

Yes. The Plan is also permitted to allow for payment at other intervals.

16. What is Timely Payment for COBRA continuation coverage?

Timely Payment means a payment made no later than 30 days after the first day of the coverage period. Payment that is made to the Plan by a later date is also considered Timely Payment if either under the terms of the Plan, covered Employees or Qualified Beneficiaries are allowed until that later date to pay for their coverage for the period or under the terms of an arrangement between the Employer and the entity that provides Plan benefits on the Employer's behalf, the Employer is allowed until that later date to pay for coverage of similarly situated non-COBRA beneficiaries for the period.

Notwithstanding the above paragraph, the Plan does not require payment for any period of COBRA continuation coverage for a Qualified Beneficiary earlier than 45 days after the date on which the election of COBRA continuation coverage is made for that Qualified Beneficiary. Payment is considered made on the date on which it is postmarked to the Plan.

If Timely Payment is made to the Plan in an amount that is not significantly less than the amount the Plan requires to be paid for a period of coverage, then the amount paid will be deemed to satisfy the Plan's requirement for the amount to be paid, unless the Plan notifies the Qualified Beneficiary of the amount of the deficiency and grants a reasonable period of time for payment of the deficiency to be made. A "reasonable period of time" is 30 days after the notice is provided. A shortfall in a Timely Payment is not significant if it is no greater than the lesser of \$50 or 10% of the required amount.

17. Must a Qualified Beneficiary be given the right to enroll in a conversion health plan at the end of the maximum coverage period for COBRA continuation coverage?

If a Qualified Beneficiary's COBRA continuation coverage under a group health plan ends as a result of the expiration of the applicable maximum coverage period, the Plan will, during the 180-day period that ends on that expiration date, provide the Qualified Beneficiary with the option of enrolling under a conversion health plan if such an option is otherwise generally available to similarly situated non-COBRA beneficiaries under the Plan. If such a conversion option is not otherwise generally available, it need not be made available to Qualified Beneficiaries.

IF YOU HAVE QUESTIONS

If you have questions about your COBRA continuation coverage, you should contact the Plan Administrator or its designee. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA). Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website at www.dol.gov/ebsa.

KEEP YOUR PLAN ADMINISTRATOR INFORMED OF ADDRESS CHANGES

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator or its designee.

X SUMMARY

The money you earn is important to you and your family. You need it to pay your bills, enjoy recreational activities and save for the future. Our premium payment plan will help you keep more of the money you earn by lowering the amount of taxes you pay. The Plan is the result of our continuing efforts to find ways to help you get the most for your earnings.

If you have any questions, please contact the Administrator.

IN WITNESS WHEREOF, this Plan document is hereby executed this _____ day of _____.

City of Selah

By _____
EMPLOYER



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

9/23/2014 M – 2

Title: Resolution Approving the Preliminary Plat of “First and Home Estates” (912.67.14-04) and Adopting Findings and Conditions of Preliminary Plat Approval

Thru: David Kelly, City Administrator

From: Dennis Davison, Community Planner

Action Requested: Approval

Board/Commission Recommendation: Approval

Fiscal Impact: NA

Funding Source: NA

Staff Recommendation:

Approval of the “First and Home Estates” preliminary plat as recommend by the Hearing Examiner

Background / Findings & Facts:

Hearing Examiner conducted the “First and Home Estates” Preliminary Plat public hearing on July 31st. Two individuals attended the hearing and spoke in opposition. On August 25th the Examiner issued a recommendation of approval of the preliminary plat, subject to seven (7) conditions of approval.

Recommended Motion:



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



I move we accept and adopt the Examiner's August 25th recommendation as our own, approving the "First and Home Estate" Preliminary Plat (with seven conditions).



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:

Action Taken:

7/31/2014

Hearing Examiner public hearing on the "First and Home Estate" Preliminary Plat (912.67.14-04).

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RESOLUTION NO. _____

RESOLUTION APPROVING THE PRELIMINARY PLAT OF "FIRST AND HOME ESTATES" (912.67.14-04) AND ADOPTING FINDINGS AND CONDITIONS OF PRELIMINARY PLAT APPROVAL

WHEREAS, on September 23, 2014 the City of Selah City Council considered Preliminary Plat No. 912.67.14-04 known as "FIRST AND HOME ESTATES" located at 102 / 104 East Home Avenue. Yakima County Taxation Parcel Numbers: (181436-32023 and 181436-32024)

WHEREAS, the City of Selah considered and adopted the Hearing Examiner recommendation of approval, did adopted the findings of fact, conclusions and conditions for approval of "First and Home Estates" preliminary plat as recommended by the Examiner and the Council is satisfied that the matter has been sufficiently considered; and,

WHEREAS, the City Council considered the elements of public use and interest to be served by such platting, and

WHEREAS, the City Council considered the elements of public health, safety, and general welfare pertaining to the preliminary plat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that Preliminary Plat No. 912.67.14-04 designated as "First and Home Estates" be approved with seven (7) specific conditions contained in the Examiner's Recommendation and a copy is attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 23rd day of September, 2014.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

**912.67.14-04 PLAT OF "FIRST AND HOME ESTATES"
RESOLUTION OF PRELIMINARY PLAT APPROVAL**

CONDITIONS OF PRELIMINARY PLAT APPROVAL

1. All design and/or improvement notations indicated on the preliminary plat are included herein as conditions of preliminary plat approval. (i.e., private easement widths and locations, lot size and lot configuration, etc.)
2. Final lot dimensions and lot area must substantially conform to the preliminary plat.
3. Road improvements that were not previously approved by the City shall be designed by a Licensed Professional Engineer. Upon completion of additional approved construction and prior to final plat approval, the applicant shall submit to the City Public Works Department final "as-built" construction plans and a written certification by a Licensed Professional Engineer that said private improvements were completed in accordance with the construction plans. These documents must be submitted to the Public Works Department for storage.

4. The following note must be placed on the final plat map:

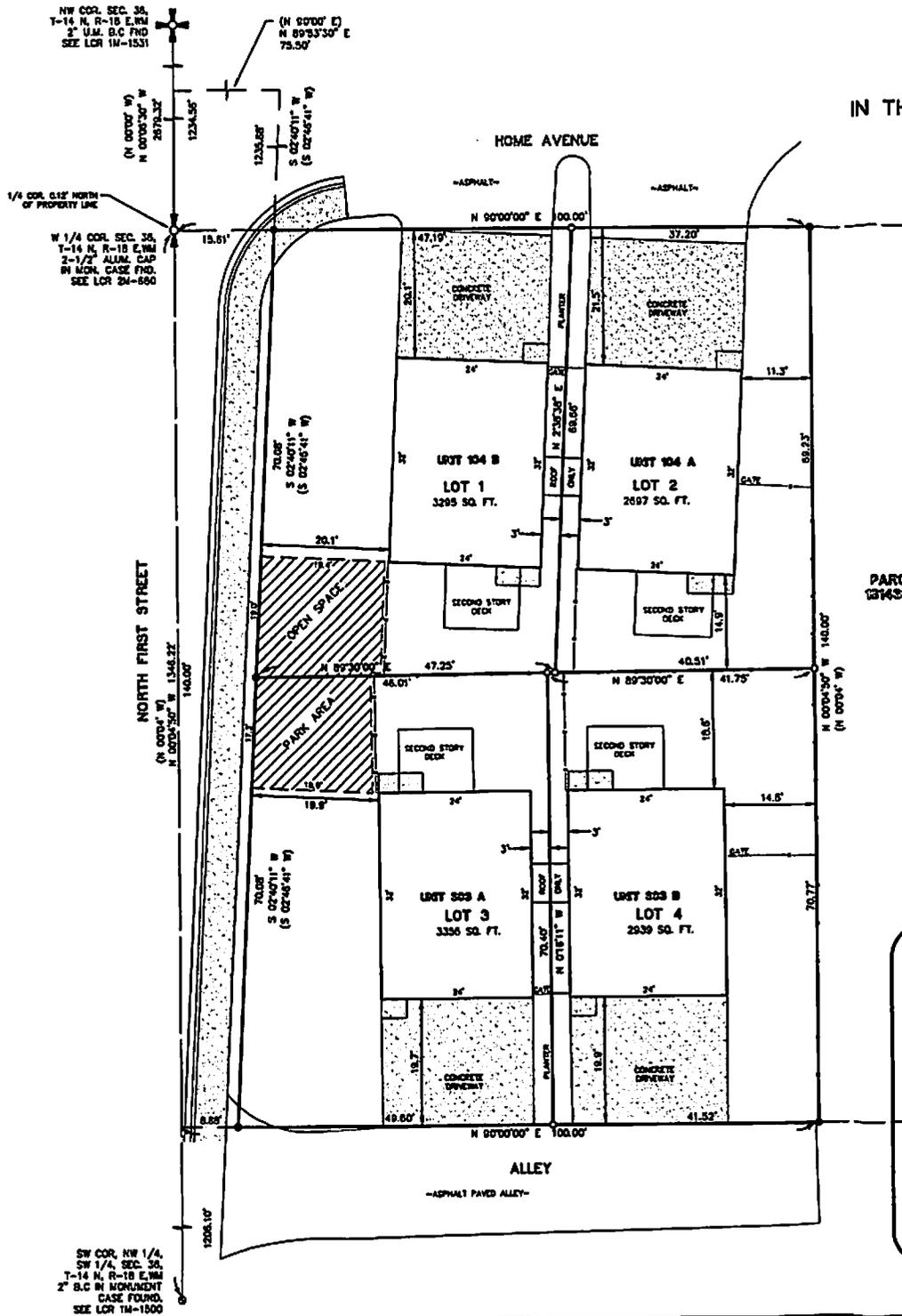
The "First and Home Estates Homeowners Association, any grantees or assignees in interest, hereby covenant and agree to retain all surface water generated within the plat on-site."

5. The "First and Home Estates Declaration of Covenants, Conditions and Restrictions" shall be amended to define the open space park area depicted on the "Preliminary Planned Development: First and Home Estates" plat map as Common Area for the recreational use of the members of the "First and Home Estates Homeowners Association" within the meaning of the included in the application materials.
6. The "First and Home Estates Declaration of Covenants, Conditions and Restrictions" and "Addendum to the First and Home Estates Declaration of Covenants, Conditions and Restrictions" shall be submitted to the City of Selah City Attorney for approval prior to final plat approval, and, in approved form, shall be recorded simultaneously with the final plat map.
7. Any changes to the use of or structures on the properties within the designated PD zoning district shall be subject to review pursuant to Chapter 10.24 SMC or any superseding ordinance.

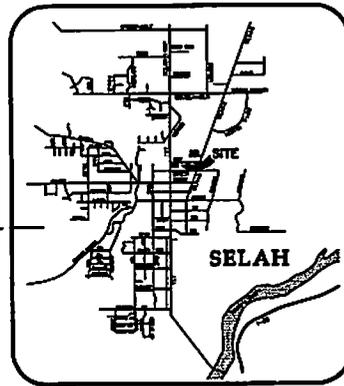
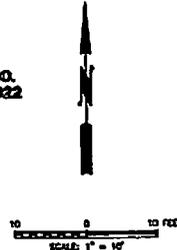
RESOLUTION NO. _____

PRELIMINARY PLANNED DEVELOPMENT
OF
1ST AND HOME ESTATES

IN THE NW 1/4 OF THE SW 1/4 OF SECTION 36, TOWNSHIP 14 NORTH, RANGE 18 EAST, W.M.
CITY OF SELAH, YAKIMA COUNTY, WASHINGTON



PARCEL NO.
131433-32022



VICINITY MAP

LEGAL DESCRIPTIONS

PARCEL A

THE SOUTH HALF OF THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OF LAND LYING IN THE WEST HALF OF SECTION 36, TOWNSHIP 14 NORTH, RANGE 18, E.W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36;
THENCE NORTH 0°04' WEST 1206.1 FEET TO THE POINT OF BEGINNING;
THENCE EAST 100 FEET;
THENCE NORTH 0°04' WEST 140 FEET;
THENCE WEST 100 FEET;
THENCE SOUTH 0°04' EAST 140 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF SELAH BY DEED RECORDED UNDER AUDITOR'S FILE NO. 2922164.

PARCEL B

THE NORTH HALF OF THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OF LAND LYING IN THE WEST HALF OF SECTION 36, TOWNSHIP 14 NORTH, RANGE 18, E.W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36;
THENCE NORTH 0°04' WEST 1206.1 FEET TO THE POINT OF BEGINNING;
THENCE EAST 100 FEET;
THENCE NORTH 0°04' WEST 140 FEET;
THENCE WEST 100 FEET;
THENCE SOUTH 0°04' EAST 140 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF SELAH BY DEED RECORDED UNDER AUDITOR'S FILE NO. 2922164.

NOTES

- TOTAL AREA OF PROPOSED SUBDIVISION IS 12,267 SQ. FT./0.28 ACRES.
- PERCENTAGE OF LAND COVERAGE BY CONCRETE DRIVEWAYS IS 18.5%.
- ALL STRUCTURES ARE EXISTING AND ARE CURRENTLY SERVED BY ALL NECESSARY UTILITIES.
- SUBJECT PROPERTY AND ADJACENT CITY OF SELAH PROPERTIES ARE ZONED R-2, MODERATE DENSITY DEVELOPMENT ZONE.

LOT #	LOT SIZE SQ. FT.	BUILDING ENVELOPE SQ. FT.	% OF BUILDINGS TO LOT	PARKING SPACE PER LOT	INDIVIDUAL YARD SPACE SQ. FT.	DRIVEWAY SPACE SQ. FT.
1	3295	768	23.3%	2	2045	432
2	2697	768	28.3%	2	3413	516
3	3356	768	22.8%	2	2115	478
4	2939	768	26.1%	2	1679	478

SURVEYOR/ENGINEER

RICHARD L. WEHR, PLS
PLSA ENGINEERING & SURVEYING
1120 WEST LINCOLN AVENUE
YAKIMA, WASHINGTON 98902

OWNER/DEVELOPER

CARL TORKELSON
TORKELSON CONSTRUCTION
P.O. BOX 292
SELAH, WASHINGTON 98942

PLSA ENGINEERING-SURVEYING-PLANNING
120 WEST LINCOLN AVENUE
YAKIMA, WASHINGTON 98902
(509) 875-6990

PRELIMINARY PLANNED DEVELOPMENT
OF PARCEL NO'S. 131433 - 32023 & 32024
— PREPARED FOR —
TORKELSON CONSTRUCTION



DRAWN BY: RICK
DATE: 2/19/2014
JOB NO. 14037
SHEET NO. 1 OF 1

NW 1/4, SW 1/4, SEC. 36, T-14 N, R-18 E.W.M.

NW COR. SEC. 36,
T-14 N, R-18 E.W.M.
2" U.M. D.C. FND
SEE LCR 1M-1531

1/4 COR. 0.12' NORTH
OF PROPERTY LINE

W 1/4 COR. SEC. 36,
T-14 N, R-18 E.W.M.
2"-1.72" ALUM. CAS
IN MON. CASE FND.
SEE LOT 24-600

SW COR. NW 1/4,
SW 1/4, SEC. 36,
T-14 N, R-18 E.W.M.
2" S.C. IN MONUMENT
CASE FOUND.
SEE LCR 1M-1500

**City of Selah, Washington
Office of the Hearing Examiner**

Application for a Rezone and Preliminary Plat)	Selah File Nos. 912.67.14-04; 914.67.14-03
)	
By Torkelson Construction, Inc.)	HEARING EXAMINER RECOMMENDATION
)	
To Rezone Property at the intersection of North First Street and Home Avenue from Two-Family Residential to Planned Development and Approve the 4-Parcel Preliminary Plat of 1st and Home Estates.)	

I. INTRODUCTION.

Torkelson Construction (hereafter "Torkelson") has applied to rezone and subdivide 2 parcels of property on North First Street in accordance with Planned Development provisions of the Selah zoning ordinance. The name of the project proposal and subdivision is "1st and Home Estates." The two properties were previously each developed into duplexes. The proposal would result in the subdivision of each the existing 2 lots into 2 new lots, resulting in a total of 4 lots, each with a single family residential structure. An open record hearing on the planned development and subdivision proposal was conducted July 31, 2014. The Hearing Examiner viewed the site on the same date. The Community Planner provided a staff report prior to the hearing, which is included in the hearing record. Two members of the public commented on the application at the hearing. The comments concerned impacts to traffic, effects on neighboring uses, and adequacy of existing city services provided in the neighborhood. The comments did not bear on the proposed division of land or on other aspects of the planned development ordinance as applied to the application. Because of questions regarding the conditions leading to the current access to the south parcel from an alley rather than a street, the record was held open. The community planner reported by telephone to the Hearing Examiner on August 15, 2015 that no additional documents were available with respect to the current pattern of development on the property.

II. SUMMARY OF RECOMMENDATION.

Because the structures subject to the PD zone application have already been constructed, the application does not present additional impacts and does not undercut future land use goals in the *Comprehensive Plan*, or other provisions of the *Comprehensive Plan*, it should be APPROVED, SUBJECT TO CONDITIONS set forth below.

Based on the staff report and exhibits, the viewing of the site, statements and comments received at the open record hearing and in writing, and a review of pertinent development regulations and comprehensive plan, the Hearing Examiner makes the following

III. FINDINGS.

1. APPLICANT AND PROPERTY OWNER.

The applications for rezone and subdivision were filed by Carl Torkelson on behalf of Torkelson Construction, which is the property owner of record.

2. LOCATION.

The properties are located at 303 Home Avenue and 104 North First Street in the City of Selah.

3. PARCEL NUMBER(S).

The Yakima County Assessors Tax Parcel Numbers for the subject property are 181436-32023 and 181436-32024.

4. APPLICATIONS.

The applications propose to rezone approximately 0.28 acre from Two-Family Residential (R-2) to Planned Development (PD) and concurrently subdivide the site into four (4) single family residential lots consistent with the Planned Development Plan and Program.

Proposed Lot	Lot Area (sq.ft.±)
Lot 1:	3295
Lot 2:	2697
Lot 3:	3356
Lot 4:	2936

The average of the proposed lots is 3,071 sq. ft. Based on total acreage of 0.28 acres, the existing residential density of the project is approximately 14 units per gross acre. As shown on the preliminary plat, Lots 1 and 3 would be subject to protection as a 684 square feet open space park area.

Potable water is provided to each residence by individual service lines from meters located at a central water meter vault connected to the 8" city water main on East Home Avenue. Individual sewer line connections are provided to the existing 8" sewer main running on East Home Avenue.

Access to the north lots would be provided from East Home Drive at existing driveways. Access to the south lots would be from driveways already in place off of the asphalt paved alley running between East Home Avenue and Bartlett Avenue.

Stormwater management would be unchanged from current conditions.

The CCRs provide for ownership of the common areas by the Homeowners Association. The Homeowners Association would also be responsible for maintenance of the common area.

5. CURRENT SITE CONDITION AND ZONING

The subject property is zoned Two Family Residential (R-2). The property is currently 40% covered by improvements. The property contains 2 duplexes that were constructed in 2004 according to Yakima County Assessor records.¹ The development predates current zoning and comprehensive plan designations and standards. The Community Planner stated at hearing that, when established, the existing development was a legal conforming use. There has been no installation of sidewalk or lighting improvements typically associated with curbs on East Home Avenue or the paved alley, though there is curb, gutter and sidewalk on North First Street.

6. NEIGHBORING ZONING AND LAND USE.

Adjacent lands to the east, south and north are zoned Two-Family Residential, and land to the west is zoned One-Family Residential (R-1). A church is located to the north, residences to the south and east, and a school to the west.

7. ENVIRONMENTAL REVIEW.

A Determination of Nonsignificance was issued July 16, 2014 for the proposal. No notices of appeal had been filed as of the hearing date.

8. 2005 SELAH URBAN AREA COMPREHENSIVE PLAN DESIGNATION.

The subject property and surrounding areas are designated as Moderate Density Residential on the Future Land Use Map adopted with the *Comprehensive Plan* in 2005. This designation provides for a maximum density of 12 dwelling units per acre. The intended future use of Moderate Density Residential lands is a mix of single family, two-family, townhouse and multifamily residences, with duplexes, townhouses and condominium predominating. The mix of residential uses is controlled by the maximum density limitation on future (new) development.

9. PROJECT ANALYSIS

a. Review Criteria.

The review criteria applicable to a PD application are set out in SMC 10.24.060 and are discussed in turn below.

¹

http://yakimap.com/servlet/com.esri.esrimap.Esrimap?name=YakGISH&Left=1632250&Bottom=482413&Right=1633421&Top=483375&TAB=TabAssessor&DropDownOrtho=None&Contour=&Utilities=&FEMA=&CAO=&DropDownPlanning=Zoning&DropDownMapSize=Small&click.x=281&click.y=237&Cmd=ID&ORTHO_LIST=None&MAP_SIZE=Small

b. Application of the Review Criteria

(1) Substantial conformance to the city of Selah Urban Growth Area Comprehensive Plan:

The *City of Selah Urban Growth Area Comprehensive Plan* designates the property as Medium Density Residential on the adopted 2005 Future Land Use Map. As noted earlier, the plan contemplates that duplexes, townhouses and condominiums are intended to predominate in such designated lands. The mix of housing types is intended to be regulated by density limitations. This land use designation for the subject properties provides for a maximum density of 12 dwelling units per gross acre to control the mix of housing. The density of the current duplex development, based on 4 dwelling units on 0.28 acres is 14.28 units per gross acre. This is a higher density than contemplated for future land use within the *Comprehensive Plan*.

Nonconforming uses are intended to be replaced with conforming uses (Policy HSG 1.6 of the *Comprehensive Plan*). If this application was for new development, the density would be inconsistent with the density provisions of the *Comprehensive Plan*, including Policy HSG 2.1 (at p. 12) without some showing that the quality of design, construction or amenities warranted greater density allowances. As noted, the history by which the current density of development on the property was approved is not part of the record, except that the Community Planner indicated at hearing that the existing use is a conforming use. The planned development proposal does not include any additional dwelling units that would change the existing density; however, based on the current Future Land Use designation and the purpose of the zoning ordinance to implement the *Comprehensive Plan*, it is not readily apparent that the current use conforms substantially with the plan. To the contrary, the proposal has the effect of decreasing the number of duplexes in the Moderate Density Zone, which the plan intends would be the predominant housing type. It does so contrary to the objective of the density limits.

(2) The proposal's harmony with the surrounding area, or its potential future use.

If a Planned Development does not present impacts to the surrounding area that are greater than the permitted used of the property under the existing zoning, it would be inappropriate to deny the Planned Development on the basis of impacts to the surrounding area. *Hansen v. Chelan County*, 81 Wn.App. 133, 913 P.2d 409 (Wash. App. Div. 3 1996). The project does not involve new dwelling construction. Rather it divides the property into private lots with the lot lines being located between the existing dwelling units. The subdivision will have no greater or lesser harmony with the surrounding area than does the current use.

(3) The system of ownership and means of development, preserving and maintaining open space.

The preliminary plat shows the common open space of 684 square feet, more or less, to be located on the boundary of Lots 1 and 3. Final CCR provisions for the common open space easement must be submitted for approval by the City Attorney consistent with SMC 10.24.090 as a condition of subdivision approval.

(4) The adequacy of the size of the proposed district to accommodate the contemplated development.

The PD ordinance does not provide specific guidance as to what would constitute the “adequate” size of property to support a PD approval. The property already accommodates the 4 dwelling units, and while the current development may exceed density allowances, the proposed division of land does not cause any material increase in density. In addition, there is no record of any fire safety or similar concerns held by city fire or public works officials regarding the configuration of the development or means of access. Given the current use, there is no basis for saying that the space is not adequate for the proposed division.

(5) Compliance with Chapter 10.24 SMC.

a. The purpose of Chapter 10.24 SMC is to allow new development that is consistent with the comprehensive plan but that would not be readily permitted in other zoning districts due to limitations in dimensional standards, permitted uses, or accessory uses. But for the fact that approval of a planned development zone modifies and supersedes all regulations of the underlying zoning district, SMC 10.24.010, the lot sizes and setbacks presented by this application would not be permissible in the R-2 zoning district. The applicant’s principal objective is to provide for private ownership of the individual dwellings. The individual lot ownership scheme is argued to provide a higher tax base. The rezone application’s program elements indicate that individual lot ownership will also result in better maintenance.

It is also noteworthy that the Planned Development ordinance relates to new development (in contrast to existing development) that provides design and amenity values that allow departure from the otherwise applicable design standards. If an existing development affords such amenity values without other adverse effects, it might be supportable to allow departure from the standards. In the present case, the property provides at least some common open space that meets the amenity related purposes of the ordinance and the plan. This ameliorates the small lot size proposed on the plat, and the reduce sideyards between the units, and serves at least to some extent the purposes of the zoning ordinance to “Provide adequate light [and] air.” SMC 10.02.030.

b. Common open space in a planned development zone shall meet the following requirements:

- (1) The location, shape, size and character of the open space must be suitable for the planned development;
- (2) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography and number and type of dwelling units to be provided;
- (3) Common open space must be suitably improved for its intended use, but common open space containing natural features may be left unimproved. The buildings, structures and improvements which are

permitted in the common open space must be appropriate to the uses which are authorized for common open space and must conserve and enhance the amenities of the common open space in regard to its topography and unimproved condition.

SMC10.24.080(a). As noted, where standards use general terms such as "suitable" or "appropriate," the burden lies with the City to show that the proposed project does not meet the standards. In the present case, the open space park area designated on the preliminary plat, if appropriately landscaped and protected, affords some limited amenity value for the residents of the development.

c. Applications for Planned Developments must submit a proposed subdivision map. The map must comply with subdivision standards except that block and lot design requirements may be reduced for good cause shown. SMC 10.50.041(d) and (e). Private access roads are also allowable when they do not adversely impact the public road system or neighboring properties. SMC 10.50.041(d)(4). In this instance, the subdivision design is tied to a two-family development reportedly authorized in accordance with land use regulations in place at the time of development. If the property is to be divided into lots with a single family dwelling on each, the lot sizes must necessarily be reduced below the minimums for the R-2 district.

Lots are to front on public streets with a width no less than the pertinent street standards. In this case, it appears that, when the duplexes were constructed in 2004, the City accepted that the southern duplex units could be accessed by the paved alley rather than by a curb cut in North First Street, which is an arterial street. Given that the property has already been developed, in absence of a showing of adverse impacts from the subdivision design *per se*, there is no reason to deny the adjustment of the subdivision standards in accordance with the design in the preliminary plat, which reflects exactly the current development.

10. PUBLIC COMMENT CONSIDERATION.

None of the public comment offered at hearing bore directly on the review criteria for PD and subdivision review and approval. Rather, the comments related to frustration with the complications the commenters confronted in trying to develop or make improvements to their own nearby property, and their perception that their applications were not given consideration equivalent to that of the subject application. Some comments were also directed at inadequacy of the level of municipal services being provided in the Home Avenue/Barrett Avenue neighborhood. Commenters were referred to the Community Planner for further discussion of their concerns.

From the foregoing findings, the Hearing Examiner makes the following

IV. CONCLUSIONS.

1. The Hearing Examiner has jurisdiction to conduct an open record hearing on the application for a PD rezone and associated subdivision, and make a recommendation to the Selah City Council.

2. The density of the current development of the property exceeds the density applicable to future Moderate Density Residential areas in the *Comprehensive Plan*. The plan is concerned with density effects of new development, rather than density of current development, and uses density as a tool for regulating the mix of single family, two family and multiple family uses in Moderate Density Residential lands. The proposed subdivision is intended to promote an increased proportion of single family residential use in the area, contrary to the stated intent of the plan. However, virtually all the properties in the R-2 district to the south and east area are developed into single family dwellings on lots that fall below the minimum R-2 lot size. Given the fact that all of these properties are developed, the proposal does little or nothing to undermine the future land use goals in the *Comprehensive Plan*, and cannot be said to be in conflict with it.
3. Future development of these properties would be subject to review as a modification to the PD district.
4. The applicant has provided evidence of the appropriateness of subdividing property in accordance with PD rezone meets the purposes and requirements of Chapter 10.24 SMC that would allow the relaxation of otherwise applicable zoning regulations. However, additional protections are required to assure the legal commitment of park area open space properties to common open space as contemplated in the ordinance are met to the satisfaction of the City Attorney.
5. Application of the review criteria in SMC 10.24.060 supports a recommendation for approval of the proposed rezone and subdivision, subject to conditions as provided in the staff report and as modified based on the preceding findings.

V. RECOMMENDATION.

The application by Torkelson Construction, Inc. to rezone property at 303 A and B North First Street and 104 East Home Avenue from Two-family Residential to Planned Development and to subdivide the same property into 4 single family residential lots, as specified in the application materials (File No. 912.67.14-04 and 914.67.14-03), should be APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. All design and/or improvement notations indicated on the preliminary plat are included herein as conditions of preliminary plat approval (i.e., private easement widths and locations, lot size and lot configuration, etc.).
2. Final lot dimensions and lot area must substantially conform to the preliminary plat.
3. Road improvements that were not previously approved by City shall be designed by a Licensed Professional Engineer. Upon completion of additional approved construction and prior to final plat approval, the applicant shall submit to the City Public Works Department final

"as-built" construction plans and a written certification by a Licensed Professional Engineer that said private improvements were completed in accordance with the construction plans. These documents must be submitted to the Public Works Department for storage.

4. The following note must be placed on the final plat map:

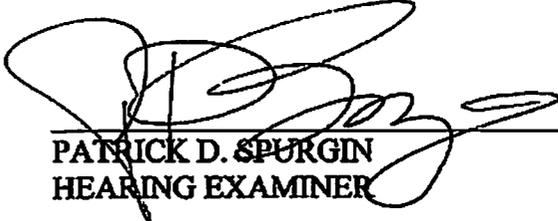
"The 1st and Home Estates Homeowners Association, any grantees or assignees in interest, hereby covenant and agree to retain all surface water generated within the plat on-site."

5. The "1st and Home Estates Declaration of Covenants, Conditions and Restrictions" shall be amended to define the open space park area depicted on the "Preliminary Planned Development: 1st and Home Estates" plat map as Common Area for the recreational use of the members of the 1st and Home Estates Homeowners Association" within the meaning of the included in the application materials.

6, The "1st and Home Estates Declaration of Covenants, Conditions and Restrictions" and "Addendum to the "1st and Home Estates Declaration of Covenants, Conditions and Restrictions" shall be submitted to the City of Selah City Attorney for approval prior to final plat approval, and, in approved form, shall be recorded simultaneously with the final plat map.

7. Any changes to the use of or structures on the properties within the designated PD zoning district shall be subject to review pursuant to Chapter 10.24 SMC or any superseding ordinance.

DATED THIS 25TH DAY OF AUGUST, 2014.


PATRICK D. SPURGIN
HEARING EXAMINER



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

9/23/2014 N – 1

Title: Ordinance Amending Ordinance No.1634 Zoning Map Amendment No. 914.67.14-03 Rezone to Planned Development (PD)

Thru: David Kelly, City Administrator

From: Dennis Davison, Community Planner

Action Requested: Approval

Board/Commission Recommendation: Approval

Fiscal Impact: None immediately

Funding Source: NA

Staff Recommendation:

Adopt Ordinance rezoning property and amending zoning map from Two-Family Residential (R-2) to Planned Development (PD): First and Home Estates Planned Development Rezone (914.67.14-03)

Background / Findings & Facts:

Hearing Examiner conducted open record public hearing July 31st. Prepared Findings of Fact and Conclusions Recommending Approval with conditions of the First and Home Estates Planned Development

Recommended Motion:

I moved the Council adopt the Hearing Examiner's Recommendation of Approval, Adopt the Examiner's Findings and Conclusions as our own and



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



approve with the Examiner's recommended conditions the "First and Home Estates" Planned Development Rezone 914.67.14-03



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
7/31/2014	Hearing Examiner Open Record Public Hearing
8/25/2014	Hearing Examiner Recommendation

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ORDINANCE NO. _____

ORDINANCE AMENDING ORDINANCE NO. 1634 ZONING MAP AMENDMENT NO. 914.67.14-03 REZONE TO PLANNED DEVELOPMENT (PD)

WHEREAS, Chapter 35A.63 of the Revised Code of Washington authorizes the City Council of the City of Selah to adopt and amend official controls including zoning ordinances and zoning maps; and,

WHEREAS, the City of Selah Council has considered and adopted the Hearing Examiner's findings of fact and conclusions of approval of the 'First & Home Estates' Planned Development rezone and the Council is satisfied that the matter has been sufficiently considered; and,

WHEREAS, the City Council of the City of Selah finds that the zoning map amendment furthers the purpose, goals and objectives of the 2005 City of Selah Urban Growth Area Comprehensive Plan, the City of Selah Zoning Ordinance and the public health, safety and general welfare;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals set forth above are incorporated herein as the City Council's Findings. Further, the Hearing Examiner's Findings, Conclusions and Conditions of Approval are adopted as the City Council's Findings and Conclusions by this reference.

Section 2. Amendment. The following described real property is hereby reclassified from Two Family Residential (R-2) to Planned Development (PD):

PARCEL A:

The South Half of the following described property:

A tract of land lying in the West half of Section 36, Township 14 North, Range 18, E.W.M. described as follows:

Beginning at an iron pin at the Southwest Corner of the Northwest Quarter of the Southwest Quarter of Section 36; thence North 0°04' West 1206.1 feet to the point of beginning; thence East 100 feet; thence North 0°04' West 140; feet; thence West 100 feet; thence South 0°04' East 140 feet to the point of beginning; EXCEPT that portion conveyed to the City of Selah by deed recorded under Auditor's file number 2922164. Situate in Yakima County, Washington

PARCEL B:

The North Half of the following described property:

A tract of land lying in the West half of Section 36, Township 14 North, Range 18, E.W.M. described as follows:

Beginning at an iron pin at the Southwest Corner of the Northwest Quarter of the Southwest Quarter of Section 36; thence North 0°04' West 1206.1 feet to the point of beginning; thence East 100 feet; thence North 0°04' West 140; feet; thence West 100 feet; thence South 0°04' East 140 feet to the point of beginning; EXCEPT that portion conveyed to the City of Selah by deed recorded under Auditor's file number 2922168. Situate in Yakima County, Washington

Section 3. This ordinance, implementing zoning map amendment number 914.67.14-03 shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

Done this 23rd day of September, 2014.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

ORDINANCE NO. _____