

**City of Selah
Council Minutes
of
August 12, 2003**

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

A. Call to Order Mayor Bob Jones called the meeting to order at 4:02pm.

B. Roll Call

Members Present: Jerry Kobes, Keith Larson, Pete McNew, Allen Schmid, Herb Schmidt

Members Excused: Ron Deatherage, Scott Smeback

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Rick Gutierrez, Police Chief; Jerry Davis, Fire Chief; Joe Henne, Public Works Director; John Gawlik, Code Enforcement/Building Inspection Officer

C. Pledge of Allegiance

Councilman Kobes led the Pledge of Allegiance. Pastor Lowell Welker led the group in prayer.

D. Agenda Changes

E. Public Appearances

1. Selah Chamber of Commerce – Bruce Sears & Wendy Culver

Selah Chamber President Bruce Sears introduced himself to the Council. He stated the Chamber's membership increased by 30% last year. One goal is to continue to work cooperatively with the City to develop a brochure to promote the community. He stated the City's mission statement is very close to the Chamber's. He stated another goal of the Chamber is to develop business and school relationships, noting Superintendent Larry Parsons is a member of Chamber Board. He stated his hope that the next joint newsletter (Selah Signals) will include something honoring Jean Wood, community volunteer who passed away recently.

Wendy Culver, outgoing Chamber President, addressed the Council. She stated that they hope to have a Chamber banquet to honor businesses (perhaps including the schools) for such things as customer service, appearance changes, public service, outstanding people. Mayor Jones appointed Councilman Herb Schmidt to represent the City on that committee.

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. Memo from Yakima County Auditor Corky Mattingly re: Candidates

Mayor Jones recognized Council candidate Judy Charkas Jones in the audience. Ms. Jones noted she is “the other” Judy Jones.

Mayor Jones introduced Selah’s new librarian, Diana Wilkinson to the Council.

H. Proclamations/Announcements

I. Consent Agenda

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

- * 1. Approval of Minutes: July 22, 2003
- * 2. Approval of Claims & Payroll – Claims check nos. 41385 - 41504 for a total of \$149,944.15, and Payroll checks nos. 51661 – 51775 for a total of \$137,358.28.

Councilman Kobes moved the addition of Item M-1 Resolution Authorizing the Mayor To Sign the Interlocal Agreement between the City of Selah and the City of Moxee Regarding City Attorney Services; Councilman Schmidt seconded. Councilman Pete McNew moved the addition of Item M-2 Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah Parks & Recreation and the Washington Service Corps for Americorps Member Services; Councilman Schmid seconded. By unanimous voice vote, these items were added to the Consent Agenda/

Mayor Jones read the Consent Agenda as amended.

By unanimous voice vote, the Consent Agenda was adopted.

J. Public Hearings

K. New Business

1. KIMKO Group, LLC Access Driveway Variance (915.03-1)

Community Planner Dennis Davison reported the Planning Commission recommends denial of the variance requested for Lots 28 and 29 of Charles Johnson Plat 4, Phase 2, which would allow a joint driveway for the properties. He noted the Planning Commission found the variance as incompatible with the use and zoning of adjacent land and incompatible with the optimal land use designation contained in the City’s Comprehensive Land Use Plan. He stated public opinion expressed at the Planning Commission opposed the variance.

Mayor Jones thanked Mr. Davison and welcomed him back after his illness.

Councilman Schmidt stated it looks like the Planning Commission is doing its job and expressed his support for their position.

Councilman Larson identified possible conflict of interest since Mr. Johnson is a customer of his company. The Council expressed no objection to his participation.

Councilman Kobes asked what the setback should be. The Community Planner responded that setbacks should be 20 feet from the street and a minimum of 5 feet on the side, noting these lots are wide but not very deep.

Councilman Schmid asked which was considered the front yard. The Community Planner responded that the front yard will be on Cedar Street.

Chuck Johnson, 11 East 1st Avenue, Selah, stated the reason for variance request is the steepness of the driveways. He stated if he puts the garages in back and swings the driveway around, it would lessen the steepness. He stated the variance of single-wide driveway would make it more esthetically pleasing. He stated another alternative would be to put the driveways up at the lot lines, running two 20-foot wide driveway approaches at the bottom of Cedar, bringing them up twenty feet and then going into a single driveway, accomplishing exactly the same thing without requesting a variance.

Councilman Kobes asked if Mr. Johnson would be averse to moving one house a little closer to the property line. Mr. Johnson replied that the closer the house is to the road, the steeper the driveway. Mr. Kobes asked about moving the house to the west and Mr. Johnson answered that the Naches-Selah Irrigation right-of-way is there.

Mayor Jones stated he has a shared driveway and as neighbors change, it can become a problem.

Councilman Larson asked what it is about the current zoning that would allow the joining of two driveways. The Community Planner stated the Code indicates there will be an individual driveway for each parcel.

Councilman Schmidt moved and Councilman Schmid seconded to accept the Planning Commission's recommendation to deny the KIMKO Group, LLC Access Driveway Variance (915.03-1).

Councilman Larson asked Mr. Johnson to explain his reasoning. Mr. Johnson stated the Community Planner is correct, you do have to have two individual driveways, but they planned to put the driveways on each lot's property line (adjoining) a 20-foot wide driveway per parcel for 20 feet. Councilman Schmid corrected Mr. Johnson that the length is 25 feet, and Mr. Johnson went on to describe how the driveways would go up and around to accommodate the way they have the houses designed.

Councilman Schmid noted that testimony taken at Planning Commission must be taken into consideration. He stressed that the impact of a variance on an existing neighborhood is important.

Roll was taken. Councilman Schmidt – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

L. Old Business

M. Resolutions

- * 1. Resolution Authorizing the Mayor To Sign the Interlocal Agreement between the City of Selah and the City of Moxee Regarding City Attorney Services
- * 2. Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah Parks & Recreation and the Washington Service Corps for Americorps Member Services

3. Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Monson Fruit Co. for Proportionate Share of Traffic Signalization Based on Projected Traffic Impacts

City Supervisor Frank Sweet stated the City was concerned about the impact of the Monson improvements would have on traffic at the North Wenas Road/East Naches Avenue intersection. He stated that the City requested that Monson Fruit do a traffic analysis. They selected Jones & Stokes (the company doing the City's transportation plan) who came up with an agreement wherein Monson commits \$10,000 to traffic signalization. He said this will provide a positive step forward to securing commitments from other businesses in the area, as well as the Department of Transportation.

Councilman Schmid moved and Councilman Schmidt seconded to approve the Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Monson Fruit Co. for Proportionate Share of Traffic Signalization Based on Projected Traffic Impacts. Roll was taken. Councilman Schmidt – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

N. Ordinances

1. Ordinance Repealing Chapter 4.30 Relating to Admission Taxes and Establishing a New Chapter 4.30 Establishing a New Admission Tax

City Attorney Bob Noe stated this Ordinance is an effort to bring the 1960 Ordinance into compliance with more recent state law with respect to admissions tax. He stated the Ordinance tracks the language of the state law; however, it now includes requested exemptions for Civic Center. He explained that public facilities may now be taxed so long as those revenues are used for enhancement of that public facility.

Councilman Schmid asked why the Civic Center is exempted. City Supervisor Frank Sweet responded that the exemption keeps the Civic Center competitive and thereby reduces the City's obligation for financial support. There ensued discussion regarding which activities charge for admission.

Councilman Schmid moved and Councilman Kobes seconded to approve the Ordinance Repealing Chapter 4.30 Relating to Admission Taxes and Establishing a New Chapter 4.30 Establishing a New Admission Tax. Roll was taken. Councilman Schmidt – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

2. Ordinance Amending Selah Municipal Code Section 11.14.010 by Adopting the International Building Code, the International Residential Code, the International Mechanical Code, and the International Fire Code (I-Codes) To Replace the Uniform Building Code (UBC) Providing, However, That the UBC and the Current Washington Administrative Code (WAC) Provisions Are Deemed To Be an Acceptable Alternate to the I-Codes until such Date That the State Building Code Council Adopts The I-Codes Identified in SHB 1734 as Part of the WAC and until those WACS Become Effective; Providing for Severability; and Establishing an Effective Date

Code Enforcement Officer John Gawlik explained the options before the Council:

1. Do nothing and wait for the WAC's to be completed in July, 2004

2. Accept it as it is and implement all of the appropriate I-Codes that have been signed by the Governor
3. Adopt it as our Code and go back July 1, 2004 and accept all of the amendments that would be added by the Washington State Building Code Council

City Attorney Bob Noe noted that options 2 & 3 are the ones recommended by the Washington Association of Building Officials (WABO).

Building Official John Gawlik stated his belief that waiting is a viable option.

Councilman Allen Schmid asked whether the City would have to enforce the Codes if the Council passes this Ordinance. Mr. Gawlik answered affirmatively. Councilman Schmid stated his opinion that by the time the Code is in its final form after it goes thru WABO and then to legislature it will have changed radically from its present form; thus it would be foolish to adopt it now.

Councilman Schmid moved and Councilman Schmidt seconded to take no action on this Ordinance at this time. Roll was taken. Councilman Schmidt – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

3. Ordinance Amending Ordinance No. 1573 – 2003 Salary Schedule for Management, Confidential and Unrepresented Employees for the Purpose of Adding the Salary of the City Attorney

Councilman Schmid moved and Councilman Schmidt seconded to approve the Ordinance Amending Ordinance No. 1573 – 2003 Salary Schedule for Management, Confidential and Unrepresented Employees for the Purpose of Adding the Salary of the City Attorney. By voice vote. Motion carried unanimously.

O. Communications

1. Oral

Mayor Jones referred to the letter from Judy Boekholder regarding the Clean Air Authority. The Mayor gave the background of feedlot and dairy farm odor problems in Sunnyside who received no help from the Clean Air Authority. He noted earlier this year seven or eight of the cities represented at the Valley Mayors meeting voted no confidence in Clean Air Director Les Ornelas and his department. He stated part of their frustration was the perception that there is an extra layer of government bureaucracy since the Department of Ecology has that job already.

Councilman Schmid asked how Judy Boekholder fits in.

Mayor Jones explained that the Board is made up of small and large cities with five board membersn Ms. Boekholder being the small city representative. He stated that cities with small budgets have to ask if they get the “bang for our buck” there. He concluded it is easy to make rules, but where does the money come from to enforce them.

P. Reports/Announcements

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

- a. Selah Municipal Court Monthly Report – July 2003
- b. Fire Department Quarterly Report – May 2003
- c. Planning Commission Minutes May 20, 2003 – Approved
- d. Planning Commission Minutes June 3, 2003 – Approved
- e. Building Inspection/Code Enforcement Report – June & July 2003

Mayor Jones reported he met with Parks & Service Area Board representative Peter Dell last week to discuss the Aquatic Center. He stated Mr. Dell is asking the City to finance the election for Aquatic Center (about \$7,000). City Supervisor Frank Sweet reported that the interlocal agreement with Yakima County did not require the City to pay for elections beyond the initial one to form the Parks & Rec Service Area. Their alternatives are to fund the election privately, go to the County or go to the City; they do not have the authority to pass any tax without a voter approval. He noted the Council should remember that Board wanted the City not to be involved in the Aquatic Center.

Councilman Pete McNew noted the budgets, timelines and feasibility studies for the Aquatic Center are not completed yet.

Councilman Larson, who sits on the Parks & Rec Service Area Board said he is unaware of any of these specifics. He has not seen them.

Councilman McNew stated he wants to see specifics before he could support the project.

Mayor Jones stated he believes their thought is that the bond issue will pass and that they then can finance the purchase of approximately 5.2 acres at the corner of Goodlander and North First.

Councilman Keith Larson stated that, as a member of the Parks & Rec Service Area Board, he is puzzled about the process and where it is headed. He stated he thought the board would make the decision of when or whether to run a bond issue election after looking at all of the information. He stated he is unsure of what position Peter Dell holds on the Board, perhaps the Board secretary. He stated he knew the facility committee was pushing for the November ballot, but his understanding was the nothing would happen until the numbers had come before the entire Board.

Councilman Schmid stated it makes sense for the County to fund the election, and the City of Selah should stay out of it.

Mayor Jones stated he does want to see an Aquatic Center but recognizes it is not going to happen overnight. He emphasized the need to do it right, citing the facility he saw in Whistler, Canada.

Councilman Schmid recommended to the Council's Board representative (Councilman Larson) that funding for an election come from the County and that the Council representative should be the liaison between the Council and Aquatic Center Board. The remainder of Council Members concurred.

Fire Chief Jerry Davis reported that the Department's previous record had been broken with 127 emergency calls in July. He stated there have been lots of mutual aid calls. He reported the rehab unit is up and operational with nine people now. He stated the department has looked at ladder trucks in the past and decided against the purchase of one. He stated they need two "plain Jane" (water, ladder, hose) trucks, and Grandview has found some at \$150,000 each. He stated it would be possible to tie into their bid. He explained the Fire District could buy one and the City budget another. He stated he is going to

Dundee, OR to look at a new E-1, which is the low bid. He stated these will replace current trucks that are twenty-five years old.

Councilman Herb Schmidt suggested that the Council needs to look at an ordinance concerning weeds. He said he would like to move to June the requirement that people clean up their lots or the City will do it and charge them for it. Councilman Jerry Kobes stated that part of the weed problem is that owners of vacant lots do not live here. Mayor Jones said he would instruct Public Works crews to keep an eye out.

Councilman Jerry Kobes asked if the County checks to verify information given by candidates.

City Supervisor Frank Sweet responded that the County waits for challenge by a registered voter in that district.

Mayor Jones stated the statutes require that a candidate has maintained residency within the city for one year and has been an elector/voter within the district (city). He stated there has been a challenge.

Councilman Allen Schmid reported he has been appointed by Mayor as representative to the Yakima Visitor and Convention Bureau Board and will be reporting to the Council. He noted a representative from the Yakima Visitor and Convention Bureau will attend the Council Meeting August 26.

Councilman Pete McNew commended Police Chief Rick Gutierrez and his staff on National Night Out. He noted he appreciated all of their hard work and enthusiasm.

Police Chief Gutierrez thanked Council Members and staff for their help with National Night Out, noting the impressive set-up and tear-down. He stated his department is already planning for next year.

Clerk/Treasurer Dale Novobielski reported he has closed the books for July with 58% of the year completed. He stated revenues are at 67% and expenditures are at 56%.

Mayor Jones reported that two weeks ago he attended banquet in Portland to accept an award for the City's involvement in salmon recovery. He stated the City should be proud of the work it has done to promote the environment

Q. Executive Session

(No Executive Session was held)

R. Adjournment

Council Member Schmid moved and Council Member Kobes seconded that the meeting be adjourned. With voice vote, the motion passed unanimously. The meeting adjourned at 5:25pm.

Robert L. Jones, Mayor

(Excused)

Ronald Deatherage, Council Member

Keith Larson, Council Member

Gerald Kobes, Council Member

Peter McNew, Council Member

Allen Schmid, Council Member

Herb Schmidt, Council Member

(Excused)

Scott Smeback, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer