

**City of Selah
Council Minutes
of
February 24, 2004**

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 4:03pm.

B. Roll Call

Members Present: Brian Harris, Jerry Kobes, Keith Larson, Pete McNew, Allen Schmid, Herb Schmidt, Scott Smeback

Members Excused:

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Stacy Dwarshius, Police Sergeant; Jerry Davis, Fire Chief; Joe Henne, Director of Public Works; Dennis Davison, Community Planner; John Gawlik, Building and Code Enforcement Officer; Jeff Hagler, Director of Parks & Recreation; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

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

D. Agenda Changes

Mayor Jones announced the addition of the following items to the Agenda:

Item M – 5 Resolution Authorizing the Mayor To Sign a Letter to the Yakima County Commissioners Indicating the City of Selah’s Agreement To Work with the Yakima County Planning Department through the County-Wide Planning Policy Committee towards the Goal of Adopting Regional Integrated Critical Areas Ordinances and the Shoreline Master Program

Item N – 2 Ordinance Amending the 2004 Budget for the Fire Department for the Purchase of a Fire Department Rescue Items

E. Public Appearances

F. Getting To Know Our Businesses

Councilman Kobes stated he has information to share with the Council, and he will get copies to each member. He reminded Council that at their October 28 meeting, they passed a motion relative to a rose garden at Wixson Park. He stated Shirley Trout is present to speak to details of a procedure outlined for planting and care of the garden.

Mayor Jones stated the Taylor Ditch runs right through the area originally proposed for the rose garden.

Shirley Trout stated the rose garden will be raised, noting she can't say whether there will be any digging down or removal of grass.

Mayor Jones said he would need to have Public Works take a look at that site and suggested there might be some other area that would be more appropriate for the rose garden. He noted the proposed site is also used for spectators during swim meets.

Public Works Director Joe Henne asked about the hillside called "Dead Man's Cave."

Shirley Trout asked if they are now being told they may not put the garden at the site previously okayed.

Mayor Jones stated the City will need to investigate to determine where Taylor Ditch is and the condition of the soil. He stated anything to beautify the City should get Council support.

G. Communications

1. Oral
2. Written
 - a. Letter from Charter Communications Re. Price Increase

City Supervisor Frank Sweet stated he put this item in the packet to illustrate that costs are going up. He stated not one utility raised by the City is as great an increase as this one.

Councilman Schmid asked if there is anything in the cable TV franchise that limits the amount of increase at any one time. He stated he would like to look at the franchise. He stated he would like to see some kind of limitation or confirmation process. Mayor Jones asked City Attorney Bob Noe to review the franchise agreement.

H. Proclamations/Announcements

I. Consent Agenda

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

- * 1. Approval of Minutes: February 10, 2004
- * 2. Approval of Claims & Payroll – Claims check nos. 42524 – 42596 for a total of \$93,808.52 and Payroll check nos. 52974 – 53062 for a total of \$90,016.20.

Councilman Schmidt moved and Councilman Smeback seconded to add items M – 5 and N – 2 to the Consent Agenda. By voice vote, motion carried. Mayor Jones read the Consent Agenda as amended.

Councilman Schmidt moved, and Councilman Smeback seconded to approve the Consent Agenda as amended. By voice vote, the motion passed unanimously.

J. Public Hearings

1. Public Hearing To Consider Extending the Moratorium Established by Ordinance No. 1602 on the Acceptance of Business License Applications and Development Permits and

Approvals Relating to Adult Entertainment, Adult Services, and Adult Retail Businesses and Land Uses

City Attorney Bob Noe presented the issue of adult entertainment and explained that the current moratorium will expire the first week in March. He noted the extension is necessary so the building and zoning codes can be completed. He asked Mayor Jones to open the Public Hearing.

Mayor Jones opened the Public Hearing.

Lowell Welker, 110 West Bartlett, expressed his appreciation for the moratorium and his support for extending it.

Seeing no other speakers approach the podium to speak for or against extending the moratorium, Mayor Jones closed the Public Hearing.

K. New Business

1. Verizon Wireless/City of Selah

Community Planner Dennis Davison introduced the Planning Commission's recommendation of the Verizon Wireless to construct a communication facility compound to include a fifty-five foot tower and prefab shelter. He called Council Members' attention to a map/site plan of the property at 219 East First Avenue showing where the Verizon facility would sit east of the current City shop. He noted the Planning commission recommends approval with the following conditions:

- (1) The facilities shall be installed in substantial compliance with the information submitted in the Special Use Permit application.
- (2) Project development to be completed within eighteen (18) months of project approval or the special use approval expires.
- (3) Tower and antenna shall not exceed sixty (60) feet above ground surface.

Councilman Schmid suggested moving it a little to the east to get the lot line straight. Mayor Jones suggested that if the City chooses to sell, they could adjust the lot line to run on the other side of the well.

John Eder, 5005 Andover Park West, Suite 201, Tukwilla WA 98188 introduced himself to the Council. He stated the Verizon property is within lot 11. He approached the Council with a map showing the location more clearly.

Councilman Schmid moved and Councilman McNew seconded to approve the Verizon Wireless/City of Selah (916.67.04-1) Recommendation from the Planning Commission and Adopt the Findings of Fact. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

L. Old Business

M. Resolutions

- * 1. Resolution Establishing March 23, 2004 as the Public Hearing Date To Consider the Wharton Annexation

2. Resolution Authorizing the Mayor To Sign a Cell Tower Lease Agreement between Verizon Wireless and the City of Selah

Public Works Director explained that this item concerns the lease agreement with Verizon.

Councilman Schmid moved and Councilman Schmidt seconded to approve the Resolution Authorizing the Mayor To Sign a Cell Tower Lease Agreement between Verizon Wireless and the City of Selah

Councilman Larson asked the City Attorney whether the rights go with property should the City choose to sell it. City Attorney Bob Noe responded affirmatively, noting that the lessee also has the right of first refusal on the premises.

In response to questions regarding the rights within the contract, Attorney Bob Noe explained that the contract will be automatically extended for four additional five-year terms (for a total of twenty-five years) unless Verizon terminates. He noted the City asked for the ability to approve or disapprove co-location issues, and desires to be compensated when additional companies use the tower.

John Eder suggested other companies would use Verizon's tower, but would need their own facilities and so would similarly rent space from the City for that purpose.

Councilman Harris asked if Verizon pulled out, would they take the pole down. Mr. Eder responded affirmatively.

Councilman Schmidt called the question.

Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

- * 3. Resolution Authorizing the Mayor To Sign an Agreement Between the City of Selah, School District 119 and Selah C.A.N. for the Purpose of Providing a Teen Center
- * 4. Resolution Authorizing the Mayor To Sign a Contract Between the City of Selah and the Department of Community, Trade and Economic Development for a 2004 Competitive Grant of \$35,000
- * 5. Resolution Authorizing the Mayor To Sign a Letter to the Yakima County Commissioners Indicating the City of Selah's Agreement To Work with the Yakima County Planning Department through the County-wide Planning Policy Committee towards the Goal of Adopting Regional Integrated Critical Areas Ordinances and the Shoreline Master Program.

N. Ordinances

1. Ordinance of the City of Selah, Washington Extending the Moratorium Established by Ordinance No. 1602 on the Acceptance of Business License Applications and Development Permits and Approvals Relating to Adult Entertainment, Adult Services,

and Adult Retail Businesses and Land Uses; Providing for Severability; and, Establishing an Effective Date

Councilman Kobes moved and Councilman Smeback seconded to approve the Ordinance of the City of Selah, Washington Extending the Moratorium Established by Ordinance No. 1602 on the Acceptance of Business License Applications and Development Permits and Approvals Relating to Adult Entertainment, Adult Services, and Adult Retail Businesses and Land Uses; Providing for Severability; and Establishing an Effective Date. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

- * 2. Ordinance Amending the 2004 Budget for the Fire Department for the Purchase of a Fire Department Rescue Items

O. Communications

- 1. Oral

P. Reports/Announcements

- 1. Mayor
- 2. Council Members
- 3. Boards
- 4. Departmental
 - a. Wastewater Treatment Plant Monthly Report – January 2004
 - b. Planning Commission Minutes of December 2, 2003 - Approved
 - c. Planning Commission Minutes of February 17, 2004 - Unapproved

Councilman Smeback reported he met with those members of Council reviewing Code and suggested other Council Members review them. Mayor Jones noted he can't thank Planning Commission enough for all of their hard work.

Councilman Kobes reported the Selah Chamber of Commerce will have a banquet on May 7, 2004 to honor Selah Stars. He stated the Chamber is soliciting nominations for outstanding contributions of citizens to the community.

Councilman Schmid stated he has been going through the ordinances also commended Community Planner Dennis Davison for outstanding job he's done putting the proposed zoning changes together and putting up with Council Members during their review. He urged all Council Members to scan through it and review, noting there are some big changes from the way we've done business before.

Councilman McNew thanked all involved, stating it will be a much cleaner document. He reported having attended his first Library Board meeting.

Mayor Jones reported his appointment of Richard Pingrey and Suki Covell to serve on the Library Board. Councilman Larson moved and Pete McNew seconded to confirm the five-member Library Board consisting of Suzann McFeat, Judy Jones, Pete McNew, Richard Pingrey and Suki Covell.

Mayor Jones thanked Councilman Herb Schmidt for doing a fine job as Mayor Pro Tem. He noted he has neglected passing the job of Mayor Pro Tem around every two years and apologized for being lax.

Councilman Herb Schmidt stated his appreciation for being able to serve as Mayor Pro Tem, noting he has enjoyed meeting people and attending meetings in that capacity. He stated his agreement with Mayor Jones and nominated Councilman Allen Schmid to fill the position of Mayor Pro Tem. Councilman Larson seconded. By voice vote, Councilman Schmid was unanimously elected.

Mayor Jones reminded the Council that the Mayor's Prayer Breakfast will be held Saturday, March 6, at 8:00am. He noted this will be his ninth Prayer Breakfast and this year he will be accompanied by his very own wife, Judy Jones.

City Supervisor Frank Sweet reported that the McGonagle Little League Field is nearing finalization. He noted there is approximately \$29,000 allocated for necessary purchases. He asked the Council to authorize the expenditure for bleachers and gravel, not greater than \$20,000 for bleachers and the balance for gravel (and asphalt) if there is enough left. He stated Central PreMix is giving a reduced rate, and volunteers will do the labor. Councilman Kobes moved and Councilman Schmid seconded to approve these expenditures. By voice vote, motion carried unanimously.

City Supervisor Sweet reported a need to update the recording system in the Council Chamber/Court Room to move from the difficulty of transcription and record retention. He stated Fund 170, Equipment has enough money to purchase FTR Gold from the state contract vendor who has been putting equipment in district courts and other council chambers. He stated the cost is about \$5,952 plus another \$852 for the personal computer used as monitor. He explained that this is not new money, rather it has been saved in this amortization fund. Councilman Schmidt moved and Councilman Smeback seconded to approve these expenditures. By voice vote, motion carried unanimously.

Councilman Schmidt reported he will attend a seminar Thursday on EMS, since he is the Public Information Officer for the City.

Fire Chief Davis reported his department will host a media event at 11:00am tomorrow at Fire Station #1 to display the new trucks.

Police Sergeant Dwarshius reported his department held worthwhile training on tasers. He stated the Police Department was awarded a \$10,000 block grant through the Washington Association of Sheriffs and Police Chiefs, the majority of which will be used to upgrade the police communication system.

Parks & Recreation Director Jeff Hagler reported the Parks Board brought up questions on the rose garden, so he will take Councilman Kobes' information back to them.

Community Planner Dennis Davison reported the Hearing Examiner will hold a hearing on a subdivision up off of Goodlander for fifty-nine lots tomorrow. He noted his department has received three more applications for approximately another hundred lots in subdivisions.

Clerk/Treasurer Dale Novobielski reported he has distributed year-end 2003 as well as January 2004 financial reports to Department Heads and the City Supervisor and will make those reports available to members of the Council Finance committee as well.

Librarian Diane Wilkinson reported the Library Board meeting went well. She predicted the Board will be busy the next couple of months.

Administrative Assistant Julie Gray reported the Spring edition of the Selah Signals is at the printer now and will be mailed to Selah citizens next week.

Q. Executive Session

(No Executive Session Scheduled)

R. Adjournment

Council Member Kobes moved and Council Member Larson seconded that the meeting be adjourned. With voice vote, the motion passed unanimously. The meeting adjourned at 4:53pm.

Robert L. Jones, Mayor

Gerald Kobes Council Member

Keith Larson, Council Member

Peter McNew, Council Member

Allen Schmid, Council Member

Herb Schmidt, Council Member

Scott Smeback, Council Member

Brian Harris, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer