

City of Selah  
Council Minutes

February 28, 2006

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

A. Call to Order Mayor Jones called the meeting to order at 3:58pm.

B. Roll Call

Members Present: Brian Harris, Keith Larson, Denise Nichols, Paul Overby, Allen Schmid, Herb Schmidt, Scott Smeback

Members Excused:

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Jerry Davis, Fire Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jeff Hagler, Parks & Rec Director, Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Council Member Schmidt led the Pledge of Allegiance. Pastor Doug Perkins, Selah Nazarene Church, led the group in prayer.

Council Member Allen Schmid reminded the group of the Mayor's Prayer breakfast Saturday, March 4 at 8:00am.

D. Agenda Changes

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

Mary Place, former Mayor of Yakima, addressed the Council regarding the proposed Selah Community Parks & Recreation Plan, which includes the William O. Douglas Trail. She stated Yakima has received a grant of a million and a half dollars to secure right-of-way and to repair and revamp the Trolley Bridge to allow for pedestrian crossing. She stated the Trail extends from Davis High School to Mount Rainier and celebrates the life and accomplishments of William O. Douglas.

Council Member Overby asked if the hill on Selah Gap is on public or private land.

Ms. Place responded it is some of both, noting they are seeking a formal easement.

Council Member Schmidt stated the hill is steep and challenged the Mayor to climb it.

Council Member Overby moved and Council Member Larson seconded to approve the Consent Agenda voice vote unanimous.

2. Written

H. Proclamations/Announcements

I. Consent Agenda

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

- \* 1. Approval of Minutes: Council Meeting and Study Session February 14, 2006
- \* 2. Approval of Claims & Payroll: Claims check nos. 46812 – 46950 for a total of \$371,014.78, Claims check nos. 46951 – 47025 for a total of \$214,995.38, and Payroll checks nos. 58050 – 58140 plus no. 957859 (correction check) for a total of \$150,160.27.

Council Member Schmid moved to accept the Consent Agenda as printed. Council Member Larson seconded. By voice vote, motion passed unanimously.

Mayor Jones read the Consent Agenda.

J. Public Hearings

1. Public Hearing on Selah Community Parks & Recreation Plan 2006-2011

Community Planner Dennis Davison introduced the Public Hearing on Selah Community Parks & Recreation Plan 2006-2011, noting that it was prepared by Parks & Recreation Director Hagler in conjunction with the Selah Parks Board and the Parks & Rec Service Area Board. He reported that the Planning Commission has forwarded this plan to the Council with a recommendation for adoption.

Mayor Jones praised the Parks Board and Jeff Hagler for their hard work on this plan. He opened the Public Hearing. Seeing no one rise to speak, he closed the Public Hearing.

2. Public Hearing on City of Selah Urban Growth Area Comprehensive Plan 2005

Community Planner Dennis Davison introduced the Public Hearing on the City of Selah Urban Growth Area Comprehensive Plan 2005 reporting that the Planning Commission has forwarded this plan to the Council with a recommendation for adoption. He noted Staff has one additional recommendation he would like to submit after public testimony.

Mayor Jones announced that he owns property in one of the areas that is up for rezone. There was no objection to his involvement. He opened the Public Hearing. No one rose to testify.

Mr. Davison passed around a map of a proposed addition to the Urban Growth Area Comprehensive Plan. He reported Mr. Dosch submitted this request for two parcels in South 1<sup>st</sup> Street to be reclassified from Industrial (M-1) to Commercial (B-2).

Mr. Davison reviewed maps of the changes the Planning Commission recommended:

- ❖ property north of Goodlander and east of Wenas to be reclassified from High Density Residential (R-3) to General Business (B-2),
- ❖ property between Fremont and Home on the West side of Wenas to be reclassified from Medium Density Residential (R-2) to General Business (B-2),
- ❖ modification of the Comprehensive Land Use Map to enlarge the area designated as steep slope on the Crusher Canyon property of Charles Johnson, as well as the Crusher Canyon property on Map 4 the upper portion to be reclassified from moderate density (R-2) to low density (R-1) and the lower 2/3 of the property to be reclassified from High to Moderate Density (R-3) to (R-2) to Moderate Density (R-2).

He stated reclassifying of the property east of South First proposed by staff should be included. He stated he would propose to make modification to the Findings to reflect the adoption of these proposals if the Council approves them and bring it back to the Council at their next meeting.

Frank Sweet stated the area on South 1<sup>st</sup> was originally zoned industrial because of its proximity to Comet Trailers and Treetop.

Council Member Keith Larson noted the reclassification to low density north and moderate southern portion on Map 4 are not consistent with current zoning. He asked if it would change if it were rezoned.

The Community Planner explained the Planning Commission will initiate zone change to reclassify as R-1 and R-2; however, the existing use is grandfathered in. If it were to "go away" then the zoning change would take effect.

Mayor Jones stated he would like to do something for the Planning Commission and praised Dennis for his hard work. He closed the Public Hearing.

K. New Business

L. Old Business

M. Resolutions

1. Resolution Authorizing the Mayor To Sign the Interlocal Agreement Joining the Yakima Basin Fish and Wildlife Recovery Board, and Approving the Mayor or His Appointed Council Member To Serve as a Director on the Yakima Basin Fish and Wildlife Recovery Board if Asked

Frank Sweet introduced Resolution M-1 giving the background on the City's involvement with salmon recovery. He stated Selah has been the contract administrator for the Lead Agency since its inception. He stated 2½ years ago the Sub-basin Planning Board was created to create a sub-basin plan and a statewide salmon recovery plan. He stated this agreement merges those two boards and removes Selah from any responsibility for the financial pass-through. He stated that while the history of City of Selah's involvement has been good, this means that as of June 30, 2006 Selah is completely out of salmon

recovery. He added that this takes away any territorial issues that have been present in the past. He stated in early April they will be hiring an Executive Director. The new organization will be a 501(c)(3). He encouraged Council support of the Resolution.

Mayor Jones stated Yakima and Sunnyside each had a representative as large cities and the smaller cities in the Valley had a representative.

Council Member Keith Larson moved approval of the Resolution Authorizing the Mayor To Sign the Interlocal Agreement Joining the Yakima Basin Fish and Wildlife Recovery Board, and Approving the Mayor or His Appointed Council Member To Serve as a Director on the Yakima Basin Fish and Wildlife Recovery Board if Asked. Council Member Paul Overby seconded.

Council Member Herb Schmidt asked for clarification on how the City operates with the Salmon Recovery Board now and how it will be with this change.

City Supervisor Frank Sweet responded in the future the City will not be involved in it at all as far as the daily operation or processing.

Council Member Schmidt asked about Section 9.1.3 which states, "All Directors shall be elected officials; provided, an Alternate Director is not required to be an elected official."

The City Supervisor responded that that is what the document says.

Mr. Schmidt asked who drew up the agreement.

Mr Sweet responded that the agreement was prepared by the County Attorneys of Yakima and Benton Counties and approved by both boards. He stated no one from the City of Selah had anything to do with it.

Council Member Schmidt stated the Clerk/Treasurer had presented the Council with an update on funding, and he noticed several items in arrears one of which was Salmon Recovery for \$59,461. He asked if that was a misprint.

Mr. Sweet responded that IAC/WDFW does not reimburse until they have an audit report. He noted the exit conference for the audit was held the previous day, so the City should receive a copy of the audit report soon.

Council Member Brian Harris noted the salmon recovery office has been based in Selah. He asked if it would continue to be.

The City Supervisor responded that the location will be the new Board's decision.

The question was called. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Larson – yes; Council Member Harris – yes. Motion carried unanimously.

2. Resolution Adopting Exhibit "B" to an Ordinance Adopting the Selah Community Parks & Recreation Plan 2006-2011

Community Planner Dennis Davison addressed Resolution M-2 and explained adoption will include adoption of the Findings of Fact of the Planning Commission.

Council Member Denise Nichols moved approval of the Resolution Adopting Exhibit "B" to an Ordinance Adopting the Selah Community Parks & Recreation Plan 2006-2011. Council Member Keith Larson seconded.

Council Member Allen Schmid noted this proposal does not seem to include Facilities District. He stated the City has historically funded parks and recreation facilities, but cannot afford to continue that in the future. He stated in excess of 20% of the City's General Fund is used for Parks & Recreation. He stated we are not going to be able to continue to fund it at that level. He gave examples of outstanding facilities in the City, stressing the need to further examine the funding.

Mayor Jones stated soccer has grown tremendously. He said Little League got parents and community leaders together to build a park on property donated by the City. He stated soccer parents and fans need to do the same thing. He stressed what we build in the future will belong to the Parks Facilities District.

Council Member Herb Schmidt stated he is glad to see the William O. Douglas Trail as part of proposal, and he does not want to see lost. He said land acquisitions are important, and we need to keep emphasis in this area. He said the involvement of youth is important. He noted Item 4 states a review of Parks plan "should" occur every five years, and recommended substitution of the word "will" for "should."

Council Member Denise Nichols stated Yakima is going through this same process. She stated a Comp Plan document is designed to be a road map for the future. She noted a City needs a plan to get funding from IAC, but that does not prohibit City from seeking other funds. She stated we need to write the plan with a large scope so we keep ourselves eligible for funds. She praised the document and the process.

Council Member Schmidt moved to amend to change "should" to "will." Councilman Overby seconded. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Larson – yes; Council Member Harris – yes. Motion carried unanimously.

Council Member Schmid praised the work done on this document, commending members of the Parks Board. He reiterated the Council needs to keep in mind the cost of doing business.

The question was called on the main motion as amended. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Larson – yes; Council Member Harris – yes. Motion carried unanimously.

### 3. Resolution Adopting Exhibit "B" to an Ordinance Adopting the 2005 City of Selah Urban Growth Area Comprehensive Plan

Dennis Davison explained Resolution M-3 would adopt the Findings of the Planning Commission, but the Council may want to add the staff recommendation presented today and amend "should" to "will" as in the previous resolution.

Council Member Overby asked about the provision that the Comp Plan is reviewed once a year.

Dennis Davison said we consider amendments once a year beginning in October.

Council Member Schmid asked if the Planning Commission gave direction on land use densities as assigned within the City.

Mr. Davison said they discussed that issue, but chose not to implement changes.

Council Member Schmid asked how the Planning Commission can recommend a property use/density change while the property is in the process of being developed. How they can place a time limit on the development of someone else's property.

Council Member Schmidt stated the Council discussed this issue the last time around, and the City Attorney said we can choose to change the use if our reasons are legally and ethically correct. He emphasized safety factors as well as neighbors with concerns.

City Attorney Bob Noe said the concern is that we would devalue the property. There are methods available to protect the property owner. The project in progress is not affected unless it is abandoned.

Mayor Jones stated when we approved this, it was zoned for highest density near road with R-2 closest to existing neighborhoods. He stated the Council saw a plan before adoption, but that plan didn't happen.

Council Member Smeback stated that area was not very attractive when this was originally adopted. It became more attractive and more likely to appeal as R-1. This gives an opportunity to change it back.

Mayor Jones noted R-1 lots are very expensive.

Council Member Nichols asked for a definition of "abandoned."

City Attorney Noe said essentially it is developed as one lot if they don't get building permits and start building within 180 days, then it's perceived as abandoned.

Council Member Allen Schmid asked why we do not make the change now. He stated it smacks of a taking of property.

Dennis Davison responded the Planning Commission stated the project can proceed as proposed. He stated he doesn't believe it will be abandoned.

Council Member Schmidt stated the Planning Commission considered the safety factor of moving building out from the cliff.

The Planner stated the environmental review on this property requires fencing and signs.

City Attorney Bob Noe pointed out the Comprehensive Plan is supposed to be a dynamic document, so you can change it when circumstances change. He stated were that not the case, we wouldn't need to go through this practice.

Frank Sweet noted it isn't a property owner's right to rezone, it's the City's right. Mr. Davison noted adoption of this plan would not change the zoning immediately. It would require additional hearings, and it can only be decided by the Council.

Council Member Harris asked if a property owner could come before Council and request to change zoning.

The Community Planner said the request would go to the Hearing Examiner who would make a recommendation for the Council to consider. He noted if the change is contrary to the Land Use Plan, it would need to be amended first.

Frank Sweet asked what happens if a property owner doesn't like the rezone.

Mr. Davison said that property owner can take it to Superior Court.

Council Member Harris stated Council Member Schmid's point was to protect the property owner.

Council Member Schmid said the City changes zoning, property owners don't, and the option of taking it to court doesn't work very well.

Council Member Schmidt said it's important to take a look at all of the residential people who live right around the property in question and took steps to make a legal appeal.

Mayor Jones said this issue has been "beaten to death."

Council Member Schmidt moved to include property on South First Street with the Comp Plan recommendations. Council Member Keith Larson seconded. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Larson – yes; Council Member Harris – yes. Motion carried unanimously.

Dennis Davison said he will bring the Resolution back to next Council Meeting.

#### 4. Resolution Declaring City Property as Surplus and Authorizing Its Disposal

City Supervisor Frank Sweet started to address Resolution M-4.

Council Member Schmidt moved approval of the Resolution Declaring City Property as Surplus and Authorizing Its Disposal. Council Member Larson seconded.

Council Member Overby asked what guidelines there are for surplussing property.

The City Supervisor said we try to help other agencies, schools, other cities if they can use something that we are not using.

Council Member Schmidt called for the question.

Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Larson – yes; Council Member Harris – yes. Motion carried unanimously.

N. Ordinances

1. Ordinance Adopting the Selah Community Parks & Recreation Plan 2006-2011

Dennis Davison stated Ordinance N-1 adopts the Selah Community Parks & Recreation Plan.

Council Member Smeback moved approval of the Ordinance Adopting the Selah Community Parks & Recreation Plan 2006-2011. Council Member Schmidt seconded. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Larson – yes; Council Member Harris – yes. Motion carried unanimously.

2. Ordinance Adopting the City of Selah Urban Growth Area Comprehensive Plan 2005

Mayor Jones stated we will bring back item N-2 to the next Council Meeting.

Council Member Overby asked about the timeline for adoption of Comp Plan 1997. The Community Planner responded that the state has changed revision requirements; however, it can be amended once a year.

Council Member Schmidt moved to table the Ordinance Adopting the City of Selah Urban Growth Area Comprehensive Plan 2005 until the next Council Meeting to be held March 14, 2006. Council Member Larson seconded. By voice vote, motion carried unanimously.

O. Communications

1. Oral

P. Reports/Announcements

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

a. Police Department Monthly Report – January 2006

Fire Chief Jerry Davis reported that in 2004 he asked for funds to hire consultants to develop Standard Operation Policies & Procedures to run day-to-day operations of staff, volunteers and commissioners. He displayed a large notebook that is the product of that work. He noted his appreciation for the support of Mr. Sweet, Mr. Noe, Council Members on the Safety Committee, and Fire Commissioners.

Clerk/Treasurer Dale Novobielski reported that besides the cash and investment summary provided to each Council Member, he also provided Members of the Finance Committee detailed year end report and January statements.

Public Works Director Joe Henne reported the reservoir was on line today, but he was a little cautious about leaving it on.

Parks & Rec Director Jeff Hagler thanked the Council for their approval of Parks & Recreation Comp Plan. He stated the Plan was a joint process with the Parks & Rec Service Area Board, noting any new parks or facilities will go through that group. He said he will meet tomorrow with IAC grant people to learn more specifics on grants for next year. He reported they had 520 a year ago in soccer, last fall it was 680 and at last count this spring it is 719.

City Attorney Bob Noe reported Union Gap has hired him so he will be transitioning out over the next month.

Mayor Jones complimented Mr. Noe on the job he's done, noting he will particularly miss Mr. Noe's daughters.

Council Member Denise Nichols reported she will not be here at the next meeting.

Council Member Paul Overby recommended the process of surplussing and gifting City equipment should have consistent policies.

Council Member Brian Harris stated he hates to see Bob Noe leave. He expressed his thanks to everyone for their support and prayers during his hospitalization.

Council Member Keith Larson said he is glad to have Brian back.

Council Member Scott Smeback welcomed Council Member Harris back. He echoed Jeff Hagler's sentiments on passage of the Parks Plan.

Mayor Jones reported Friday the Board will pick a new Director for Clean Air. He recessed the meeting, announcing the Council will reconvene in a 20-minute Executive Session to discuss real estate.

Q. Executive Session

1. Fifteen-minute Executive Session on real estate.

Council moved into Executive Session at 5:33pm.

2. Resumption of Regular Session

Council moved back into regular session at 5:54pm.

Council Member Schmidt moved and Council Member Overby seconded to authorize the City of Selah to purchase, in conjunction with the District Fire #2, of property located at 103 North 3<sup>rd</sup> Street in Selah.

Council Member Larson moved and Council Member Schmid seconded to approve a Resolution Declaring City Property as Surplus and Authorizing Its Disposal. By voice vote, motion carried unanimously.

R. Adjournment

Council Member Schmidt moved and Council Member Overby seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 5:56pm.

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Robert L. Jones, Mayor

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Paul Overby, Council Member

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Keith Larson, Council Member

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Denise Nichols, Council Member

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Brian Harris, Council Member

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Herb Schmidt, Council Member

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Allen Schmid, Council Member

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Scott Smeback, Council Member

ATTEST:

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Dale E. Novobielski, Clerk/Treasurer