

**City of Selah
Council Minutes**

July 12, 2005

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

A. Call to Order Mayor Jones called the meeting to order at 4:03pm.

B. Roll Call

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

Members Excused: Herb Schmidt

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Rick Gutierrez, Police Chief; Gary Hanna, Deputy Fire Chief; Jeff Hagler, Parks & Recreation Director; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilman Kobes led the Pledge of Allegiance. Parks & Recreation Director Jeff Hagler led the group in prayer.

D. Agenda Changes

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. Remittance Advice Yakima County Public Safety Tax

Several Council Members remarked about this report's being titled "Public Safety" rather than "Criminal Justice."

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 June 28, 2005

- * 2. Approval of Claims & Payroll: Claims check nos. 45556 – 45650 for a total of \$214,956.33 and Payroll check nos. 56360 – 56464 for a total of \$146,498.14.

Mayor Jones read the Consent Agenda.

Councilman Kobes moved approval of the Consent Agenda. Councilman Smeback seconded. By voice vote, motion carried unanimously.

J. Public Hearings

K. New Business

- 1. First Reading Proposed Ordinance Manufactured Homes

City Attorney Bob Noe addressed the Council on New business Item K-1. He stated this ordinance will bring the City of Selah into compliance with state law regarding manufactured homes. He noted Selah's Codes are somewhat different from other cities' because they already include design standards, so the proposed ordinance removed zone specific siting requirements. He stated a moratorium is unnecessary because we already have reference to design.

City Supervisor Frank Sweet stated and Mr. Noe agreed the Planning Commission will have the opportunity to change design standards to include such things as roof pitch, overhang, etc.

Councilman Keith Larson moved to forward this item to the Planning Commission. Councilman Schmid seconded. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

L. Old Business

M. Resolutions

- * 1. Resolution Authorizing the Mayor To Sign the Agreement for Fuel Tax Grant Distribution for Crusher Canyon Project with Washington State Transportation Improvement Board
- 2. Resolution Adopting the Hearing Examiner's Recommendation of Denial of the Southern Estates rezone of 1.0 acre from Multiple Family Residential (R-3) to Planned Development (PD) and the Preliminary Plat of "Southern Estates"

City Attorney Bob Noe asked the Council to review the Hearing Examiner's decision and to evaluate it. He noted Council can adopt or reject the Hearing Examiner's recommendation. He stated Staff would recommend the Council conduct its own hearing.

Carl Torkelson, 610 Quail Court, Selah stated he has discussed with Public Works Director Joe Henne and Community Planner Dennis Davison the prospect of putting in sidewalks and street lights to enhance his proposed townhouse development.

Councilman Scott Smeback stated he would support having a separate hearing to look into this to see if this project fits our needs.

Mayor Jones stated he has always been an advocate for large lots; however, he noted we are living in a time when both parents work and there are lots of kids' activities, and as a result, yards suffer. He stated he appreciates the concept of having a common area and a homeowners association to take care of it. He noted he believes there is pride in ownership.

Councilman Allen Schmid expressed concern about the Hearing Examiner's comments about inconsistency with City-wide Growth Management Plan. He stated he doesn't disagree with having a Council Hearing, but the Council must be cautious not to go too far outside the Plan. He noted the Council can make stipulations on a Planned Development.

Councilman Jerry Kobes said he thinks the Council needs to be sensitive to the interests of people who live in the area. He stated the Public Hearing process is good because it allows us to look at it in detail.

Councilman Schmid stated planned developments are needed to provide for increased needs in the community.

Carl Torkelson pointed out this area is zoned R-3 and could be filled with rentals. He stated he is trying to provide ownership, and the more we can lean toward planned developments, the more we can control.

Mayor Jones stated he does not think we want South Selah to be entirely apartments.

Councilman Schmid stated if the Council is looking toward public hearing, he would agree that it would be good to allow people to voice their concerns.

Mayor Jones agreed there should be a Public Hearing.

Councilman Schmid stated the Council needs to think of the residents of the area and listen to them.

Councilman Scott Smeback moved and Councilman Larson seconded to reject the Hearing Examiner's recommendation and hold a Public Hearing to consider this development. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

Mayor Jones took a petition from two Southern Avenue residents and promised to notify them regarding the Public Hearing.

3. Resolution Adopting the Hearing Examiner's Recommendation To Affirm the SEPA Responsible Official's February 23, 2005 MDNS for the Falcon Ridge Multifamily Project in Part and Reversing in Part, and Authorizing the Issuance of a Final MDNS Consistent with the Hearing Examiner's Recommendation

City Attorney Bob Noe addressed the Council regarding Item M-3, noting the MDNS issued by the SEPA Responsible Official was appealed by Janice Griffin, and the Council referred that appeal to the Hearing Examiner who in turn upheld the SEPA Responsible Official's ruling but also recommended the Council issue its own MDNS. He referred to his memo where he states there is only one administrative appeal. He recommended the Council follow the Hearing Examiner's recommendation. He noted this project has already gone through two comment periods; the next step for comment would be in Superior Court.

Councilman Schmid asked for clarification.

Mr. Noe explained the Hearing Examiner upheld all of it and added two provisos. If the SEPA Responsible Official gets tests back and wants to take action, he can amend the MDNS.

City Supervisor Frank Sweet stated this way the appellant knows that nothing will happen on the Falcon Ridge Project until those conditions are satisfied, i.e. no building permits will be issued until those requirements are met.

Councilman Schmid moved and Councilman Kobes seconded to adopt the Hearing Examiner's recommendation and issue a final MDNS consistent with that recommendation. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

4. Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and the Greater Yakima Girls' Softball Association for GYGSA'S Partial Funding of Improvements to Carlon Park and GYGSA's Use of Carlon Park

City Supervisor Frank Sweet stated this agreement is for a ten-year relationship with GYGSA and provide for their commitment of funds for improvements to Carlon Park.

Councilman Smeback moved and Councilman Schmid seconded to adopt the Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and the Greater Yakima Girls' Softball Association for GYGSA'S Partial Funding of Improvements to Carlon Park and GYGSA's Use of Carlon Park. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

5. Resolution Authorizing Inter-fund Loans for Improvements to Carlon Park

Clerk/Treasurer Dale Novobielski stated Resolution 5 provides the funding mechanism through which improvements will be made to Carlon Park. He noted the City will initially plan a repayment schedule of \$88,000 per year including interest to be reevaluated for possible earlier payoff.

Councilman Smeback noted that as other funding sources become available, they would be applied to that buy-down.

Frank Sweet noted the City will apply to Legends for funding.

Mayor Jones stated that over the last 27 years the ball fields have become antiquated. He stated it's time for some rehab.

Councilman Schmid stated the direction and vision of the Council for the future indicate the need for a first class facility, similar to McGonagle Park. He stated he feels positive that the North Wenas development will be a great benefit to the City.

Councilman Kobes added that this decision is not being made lightly, and it's not a short-term payback. The Council hopes development will follow to support this.

Councilman Brian Harris stated the future of this project includes help from other facilities and groups, not just the outlay by the City.

Mayor Jones stated when the Comprehensive Parks Plan is back the City can apply for various grants to "soften the blow" of this.

Councilman Schmid moved and Councilman Smeback seconded to adopt the Resolution Authorizing Inter-fund Loans for Improvements to Carlon Park. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

N. Ordinances

- * 1. Ordinance Amending the 2005 Budget for Sale & Development of Marudo Property
- * 2. Ordinance Amending the 2005 Budget for City Attorney & Court Clerk Payroll Costs
- * 3. Ordinance Amending Ordinance No. 1643 – 2005 Salary Schedule for Management, Confidential and Unrepresented Employees for the Purpose of Amending the Compensation for the City Attorney & Court Clerk
- * 4. Ordinance Amending the 2005 Budget for Police Overtime
- 5. Ordinance Granting to Cascade Natural Gas Corporation, a Washington Corporation, Its Successors and Assigns, the Right and Privilege To Use and Occupy the Streets, Avenues, Lanes, Alleys, Highways and other Public Places of the city of Selah, State of Washington, for the Purpose of Supplying, Distributing and Selling Gas to the Inhabitants of the City, and Elsewhere; and the Right and Privilege of Constructing, and Thereafter Maintaining a Gas Works, Mains, Service Pipes and other Necessary Equipment in Said City, for the Distribution of Gas for Fuel, Power, Heat and other Purposes

City Supervisor Frank Sweet stated Ordinance N-5 is a revision of the franchise agreement between the City and Cascade Natural Gas which would expire later this year.

Jon Mulvenon, Cascade Natural Gas, 3504 Marks Road, stated he appreciates the City's support for girls' softball. He noted Cascade Natural Gas wants to maintain a safe, dependable system in this community. He introduced Cascade's Senior Vice President for Engineering, Dan Meredith.

Councilman Schmid asked why this contract added the five-year language.

City Attorney Bob Noe stated it provides flexibility.

Councilman Schmid expressed his appreciation for Mr. Mulvenon's support for community and attendance at Council meetings.

Councilman Larson moved and Councilman Smeback seconded for approval. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

Councilman Schmid asked about the car wash ordinance.

Mr. Noe responded that he will come up with a revised version of the car wash ordinance and bring it to the Council. He further stated he has received additional information and suggestions.

O. Communications

1. Oral

P. Reports/Announcements

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

- a. Police Department Monthly Report – June 2005

Deputy Fire Chief Gary Hanna reported that Chief Davis had an accident on his motorcycle.

Councilman Smeback reported he participated with swim meet that included twenty - eight and under kids. He noted the Council's action today conveys message of support for youth and family.

Councilman Larson said he is glad Allen Schmid made it through his ordeal.

Councilman Harris reported that both Scott Smeback and Bill Harris had teams playing this weekend. The Mayor excused Councilman Smeback for the All-Star game.

Councilman Schmid thanked everybody for their support and thoughtfulness. He noted he hit a moose going 75 miles per hour outside of Billings, Montana a week ago.

Councilman Kobes noted Chief Davis is grateful to emergency forces on the other side of the mountains. He reported they took the float to Butte, MT last week and saw lots of deer.

Councilman McNew praised the police report.

Police Chief Gutierrez reported he distributed his annual report today and will be glad to answer questions.

Parks & Recreation Director Jeff Hagler reported summer programs are all doing well. He noted Yakima kids are using Selah pool.

Mayor Jones reported he participated in the Summer in the Parks Program earlier today and was surprised to see a bus from Yakima EPIC as well as two or three other buses participating in Selah's Summer in the Park program.

Clerk/Treasurer Dale Novobielski reported receiving check for \$450 restitution check for damage done at Wixson Park restrooms. He noted the books are closed for June, and he will have a mid year report available for next Council Meeting. He reported he received Lexis Nexis bill for codifying recent zoning changes, in the amount of \$7,500. He stated he evaluated and analyzed the bill, questioned Lexis Nexus and learned they had made a billing error, resulting in a credit of \$3,300.

Administrative Assistant Julie Gray reported Council Members and City officials will receive an invitation to attend a deployment ceremony for the 792nd Chemical Division on July 31. She further reported the Yakima valley Community Band will give a concert in Selah July 21 and another on August 4.

Mayor Jones reported he attended an SR 824 ceremony today as well as Summer in the Park. He noted he has confiscated five skateboards in the Park. He noted one mother was unhappy with the way he spoke to her teenager, later he saw kids jumping on picnic table and called the police. He asked if we planned to send a letter to DOT, noting he talked to Don Whitehead.

Q. Executive Session

R. Adjournment

Council Member Schmid moved and Council Member Kobes seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 5:05pm.

Robert L. Jones, Mayor

Gerald Kobes, Council Member

Keith Larson, Council Member

Peter McNew, Council Member

Brian Harris, Council Member

(Excused)

Herb Schmidt, Council Member

Scott Smeback, Council Member

Allen Schmid, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer