

City of Selah  
Council Minutes  
May 11, 2010

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

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

B. Roll Call

Members Present: Keith Larson, Paul Overby, Summer Derrey, John Tierney, Kevin Jorgensen,  
Dave Smeback, John Gawlik

Members Excused:

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

C. Pledge of Allegiance

Councilman Tierney led the Pledge of Allegiance. Pastor Jason Williams led the opening prayer.

D. Agenda Changes

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. Washington State Liquor Control Board – New Beer/Wine Tasting Endorsement

The Mayor called the group's attention to the change in liquor tasting just made by the Liquor Control Board.

Councilman John Tierney asked Police Chief Dwarshuis if he is anticipating any fall-out from this change.

The Police Chief said he does not.

Councilman John Gawlik said the WSCLB may be a flurry at the beginning, then little should be different.

H. Proclamations/Announcements

I. Consent Agenda

The Mayor read the Consent Agenda.

- \* 1. Approval of Minutes: Council Meeting April 27, 2010
- \* 2. Approval of Claims & Payroll:
  - Payroll Checks Nos. 68400 – 68494 for a total of \$189,037.20
  - Claim Checks Nos. 56116 – 56116 for a total of \$ 1,148.73
  - Claim Checks Nos. 56117 – 56217 for a total of \$226,524.77
- \* 3. Resolution M – 1 Resolution Approving Payment of Invoice Submitted by Eco-Northwest for Stormwater Education Services Provided under the Terms of Their Professional Services Agreement with the City of Selah
- \* 4. Resolution M – 2 Resolution Approving Progress Estimate Number 2 on the Well Number 3, 4 and 8 Electrical Building Improvement Contract

**Councilman Tierney moved and Councilman Larson seconded to adopt the Consent Agenda as read. By voice vote, approval was unanimous.**

J. Public Hearings

K. New Business

- 1. B&B Enterprises (Paul Bussoli) Rear Yard Set-back Variance

Community Planner Dennis Davison addressed New Business Item K - 1, explaining that B & B Enterprises (Paul Bussoli) has requested a lot setback variance at 309 N 10<sup>th</sup> Street. He noted the packet also contains a letter from neighbor to the east protesting the setback because people could look into her backyard. Mr. Davison noted the proponent Bussoli said no windows would be on that side of the property. He said the Planning Commission approved the variance with conditions on setbacks.

Councilman Gawlik asked why the setback isn't 20' in the back and 15' in the front.

Mr. Davison said that was discussed, but there would be insufficient set-back to widen that road in the future. He said the Planning Commission considered that and thought the City might use the easement, but that would move the building to within 10 feet of the street. He said they were also considering Mr. Bussoli's comment that he would not put any windows on the east side of the building.

Mayor Jones said this is another example of those long, deep lots.

Councilman Gawlik said it seems we have so few opportunities to make people happy, and he doesn't see with the future of that particular area that street widening will happen.

Councilman Tierney asked the Planner if he had spoken with the neighbors regarding the builder's agreement not to put windows on that side of the house.

Mr. Davison said he had spoken to them, but they did not have any positive or negative comments about that.

Councilman Jorgensen said he didn't see any reference to windows and asked if that should be included as a condition. He noted residents are highly unlikely to use that east yard.

Councilman Smeback noted that moving the setback would not influence the view from second-story windows.

Councilman Overby asked what is on the property to the north.

There was discussion about windows on the north side.

The Public Works Director stated if we do not have conditions in print and the builder chooses not to complete them, we have nothing to stand on.

Chief Davis said builders need to provide egress from second story rooms.

There was confusion regarding how best to proceed, whether to table and send it back to the builder to modify, include a condition.

**Councilman Gawlik again made the point about the opportunity to make people happy. He moved to table consideration until staff can study the floor plan and determine window requirement. There ensued discussion about the ability to see into other people's backyards.**

Councilman Jorgenson asked how hard it would be to provide a County aerial to consider on these variance issues.

The Planner said he could provide that in the future.

Mayor Jones said we live in an area where we all overlook other lots.

Councilman Jorgenson noted Mr. Bussoli is asking for a variance on the east.

Councilman Tierney said we can add that condition right now, there is no need to table. There was general agreement that there was no need to table or send it back to the proponent.

**Councilman Gawlik withdrew his motion.**

**Councilman Larson moved approval of the variance contingent upon the builder submitting plans showing no windows on the second story of the east side of building. Councilman Smeback seconded. Roll was called. Councilman Larson – yes; Councilman Overby – yes; Councilwoman Derrey – yes; Councilman Tierney – yes; Councilman Jorgensen – yes; Councilman Smeback – yes; Councilman Gawlik – no. Motion carried six to one.**

L. Old Business

M. Resolutions

- \* 1. Resolution Approving Payment of Invoice Submitted by Eco-Northwest for Stormwater Education Services Provided under the Terms of their Professional Services Agreement with the City of Selah
- \* 2. Resolution Approving Progress Estimate Number 2 on the Well Number 3, 4 and 8 Electrical Building Improvement Contract
- 3. Resolution Awarding the Contract for the South First Street Water Main Replacement Project to Aurora Engineering, Inc. of Monroe, Washington and Authorizing the Mayor To Sign the Contract

Public Works Director Joe Henne addressed Resolution M - 3 noting the 2010 budget to replace the water main on First Street south of Riverview.

Councilman Overby asked if it's likely to have change order on this project.

Mr. Henne explained the potential for water leaks as they lay the new main new to the old one.

Mr. Overby pointed out that there is only a \$400 difference between the low bid from Aurora Engineering of Monroe and the one put forward by Belsaas & Smith Construction of Ellensburg. He said he wondered if we could factor in the proximity.

The Public Works Director said he thinks that "low bid is low bid," and they likely could take us to court if we went with the higher, nearer company.

**Councilman Larson moved approval of the Resolution Awarding the Contract for the South First Street Water Main Replacement Project to Aurora Engineering, Inc. of Monroe, Washington and Authorizing the Mayor To Sign the Contract. Councilman Jorgensen seconded. Roll was called. Councilman Larson – yes; Councilman Overby – yes; Councilwoman Derrey – yes; Councilman Tierney – yes; Councilman Jorgensen – yes; Councilman Smeback – yes; Councilman Gawlik – yes. Support was unanimous.**

N. Ordinances

O. Communications

1. Oral

P. Reports/Announcements

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

a. Planning Commission Minutes of April 6, 2010 - Approved

Mayor Jones said it's Community Days Week, he will guarantee the town looks good and Jeff Hagler will guarantee good weather. Tomorrow flags go up, every other one American and Tree Top's 50<sup>th</sup> anniversary.

Fire Chief Jerry Davis said Councilman Smeback requested a report showing the nature of emergency callouts. He passed around his response and said this information will be included in future annual reports. He reported that career firefighters Jason Horton, John Shipley and Ron Cline recently completed training and are now accredited Firefighter 1's. He noted this was something they did on their own. He expressed his pride in these firefighters.

Police Chief Stacy Dwarshuis said he will have 28 officers on the street Friday evening and all day Saturday for Community Days. He noted Councilman Tierney asked for a report on the success of the cameras. The Chief said the cameras were purchased in July of 2009, and there had already been 41 graffiti incidents that year and there were only 23 more prior to the end of the year, for a yearly reduction of 28%. He said we've had only 14 incidents so far this year and anticipate we will be down 34% this year. He said he would go after a couple more speed signs if he had another grant. He said he's been very pleased with those.

Mayor Jones asked Council Members to hand their Stormwater packets in to Julie for the next meeting.

Clerk/Treasurer Dale Novobielski reported the Kiwanis will host Saturday morning's pancake feed at the Civic Center.

Public Works Director Joe Henne reported his guys have worked hard, and the Park looks good.

Mayor Jones said everything looks great.

Community Planner Dennis Davison said he's working on the James-Smith annexation, and beginning work on Torkelson's 5<sup>th</sup> Street Planned Development. He said the Hobo Feed will be held Thursday night at the Civic Center.

Parks & Rec Director Jeff Hagler said they're looking forward to a busy weekend. GYGSA softball had a tournament last weekend, and the hotel full with lots of people spending money in town. He said the hotel is booked for this weekend as well. He said the Parks Department is patching cracks in the pool this week, getting ready for one more year.

City Attorney Bob Noe reported the County Prosecutor's office gave us notice 30-day notice that they will turn back Domestic Violence cases to local municipal courts. He said state law stipulates a 120-day requirement for notice, so he and Frank will be talking to them. He said there is also an arbitration provision in the statute. He said he thinks Selah taxpayers pay enough to the County to expect that service, but we'll see.

Councilman Tierney reminded those present of the Potato Feed on Friday night.

Councilman Jorgensen said the City looks great.

Joe Henne reported the state striped First Street through town, and he hopes the County will come through.

Councilman Smeback noted the flags at Veteran's Park are looking tacky.

Mayor Jones said the Clerk/Treasurer has ordered new flags for Veterans Park.

Councilman Gawlik noted he feels proud to live in Selah.

Q. Executive Session

1. 15-minute Executive Session on litigation

No Executive Session was held. The City Supervisor said there would be no need for an Executive Session because Mr. Noe had covered that in his report.

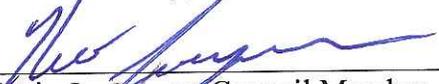
R. Adjournment

**Council Member Tierney moved, and Council Member Larson seconded that the meeting be adjourned. By voice vote, the motion passed unanimously.**

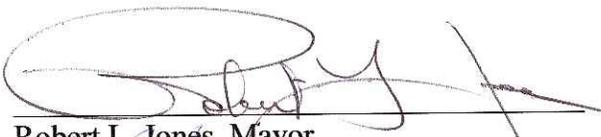
The meeting adjourned at 4:46pm.

  
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Keith Larson, Council Member

  
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Summer Derrey, Council Member

  
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Kevin Jorgensen, Council Member

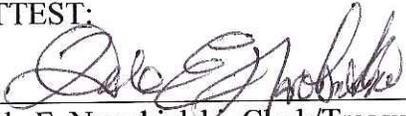
  
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John Gawlik, Council Member

  
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Robert L. Jones, Mayor

  
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Paul Overby, Council Member

  
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John Tierney, Council Member

  
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Dave Smeback, Council Member

ATTEST:  
  
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Dale E. Novobielski, Clerk/Treasurer

Study Session  
Selah City Council  
May 11, 2010

Present: Council Members Tierney, Larson, Jorgensen, Smeback, Overby & Gawlik  
Mayor Jones, Engineer Ted Pooler  
City Supervisor Sweet, Public Works Director Joe Henne

Ted Pooler, HLA Engineer, thanked the Council for the opportunity to discuss two stormwater ordinances proposed for adoption this spring. He called their attention to the handout titled, "Managing Stormwater: Changes and Challenges in Selah." He said the City is required to adopt two ordinances, one for DEVELOPMENT (new builds) and the other for REDEVELOPMENT (remodeling existing facilities or adding impervious surface areas to existing properties). He emphasized that the purpose of these ordinances is not to correct wrongs done in the past, but rather to manage everything better from here forward. He said the City needs to formally adopt requirements for development of more than 1 acre lots and then to set standards for the development of projects smaller than 1 acre. He reviewed the Department of Ecology minimum requirements. He noted the DOE wants local municipalities to go above and beyond those minimums and to apply the requirements throughout the jurisdiction, not just to sections discharging surface water.

He explained that the purpose of the Ecology requirements is to protect surface water, running streams, ponds, etc.; however, in the City of Selah there is a combination of systems. He said one is that part of town that discharges into storm-drain pipes that eventually discharge into Taylor Ditch or Selah Ditch (direct discharges of surface water). He said in addition to that, some places discharge to groundwater, through infiltration systems, some of which you can't even see. The latter is not specifically regulated by DOE, so cities don't have to adopt ordinances that specifically address discharges that affect groundwater.

He said, however, there is another over-arching regulation that does apply to groundwater; the Underground Injection Control Law or UIC regulations are incorporated into the Eastern WA Design Standards and are regulated and must be registered with the Department of Ecology. He said each stormwater injection point or stormwater infiltration trench is, in fact, an underground injection control well. He said it makes sense to apply those design standards to everything within the community.

He noted sediment run-off is a big issue for Selah, and there is concern about sediment that comes off the construction site, comes onto the street and into a catch-basin connected to an infiltration trench and fills the whole thing full of silt. He noted that although silt isn't regulated as a surface water pollutant, it still is a maintenance issue and reduces the longevity of these infiltration trenches.

He concluded by saying that the underground injection control requirements and the maintenance issues related to silt getting into catch basins are the reasons they think it makes sense to apply this to the whole jurisdiction. He said the draft ordinances that Council has before them do apply to groundwater discharges as well as surface water.

Mr. Pooler moved on to discuss requirements to sites in Selah that are less than 1 acre. He noted the City has some big subdivisions that disturb more than one acre, and the Department of Ecology already regulates those sites through their construction stormwater permit program. That being the case, this new ordinance does not affect any sites that are greater than one acre.

Councilman John Gawlik asked about the older sites being remodeled or rebuilt with newer homes, sites which don't have the modern water run-off systems. He asked how the City will work with builders to control stormwater there.

Mr. Pooler responded by saying that when new additions are constructed, storm systems are designed to include all of the streets and sidewalks and driveway areas so that everything that runs off goes into the street/stormwater system. He noted, however, that impervious surfaces are smaller in the older areas, and often that dimension changes when homes are remodeled (for example a wider driveway leads to a new garage). He said allowances for run-off would be covered in design standards.

Councilman Gawlik asked if that means the City may require catch basins coming off that property.

Mr. Pooler said they may have to make that requirement.

Mr. Pooler said that while the City is required to adopt these ordinances, it is not required to implement them immediately. The effective date is set out thirty days. He said that will give staff a little time looking at checklists, which will make things simpler at staff level. He said they will have check lists for stormwater site plans, stormwater pollution prevention plans, facility operation and maintenance and site inspection. These will be coordinated with the permitting process and can be checked off as builders submit their site plans or apply for permits. He said they will not have to come in with an engineer's design on these smaller pieces; they'll just check the boxes on the things they're going to do. He said he has spent time on the inspection forms. He said inspection forms will also have checklists so the Building Inspector can praise good things that are being done in the field as well as note things that need correction.

Mr. Pooler moved on, noting that Selah has not adopted the Eastern Washington Stormwater Management Manual, but these ordinances would do that. He said right now, he and Public Works ensure that stormwater systems are designed according to those regulations. Selah is required to come up with operations and maintenance requirements for privately owned stormwater facilities. He noted a lot of commercial developments have on-site stormwater control. Developers can incorporate stormwater requirements into their site designs.

He said the issue becomes - what happens if it fails? If that system fails and affects more than the homeowner, then it becomes everybody's problem. He said this ordinance requires you to maintain those facilities and gives the City the right to go on the property to check or maintain that facility. He noted that is easier said than done. He said the issue, "Does the City have the right now to go on property for existing stormwater facilities?" is a good question for the City Attorney.

Councilman Tierney asked if the City could require something similar to the annual backflow test.

Everyone spoke at once.

Councilman Kevin Jorgensen said his business in the City of Yakima has been required to register each of its stormwater existing drywells (including GPS coordinates).

Mr. Pooler said that is an example of underground injection control.

Councilman Jorgensen said planners have advised them to use swales, but they chose to go with pervious concrete drain systems. He said their prediction was that within a year every drywell will be

inspected and registered annually. He said he doesn't see how you could get a contractor to guarantee that theirs is going to work in the future. He noted inspection of dry wells would be very subjective.

Mr. Pooler said these ordinances will be adopting new chapters into Selah's Code, and they obviously can be modified. He said he hasn't seen any language regarding a formal inspection program, but noted even swales and dry ponds can be issues if they're not maintained properly. He said the maintenance issue is not an easy one to tackle, but it is a requirement.

In response to a question from Councilman Jorgensen regarding a situation where the City had to go in and do maintenance, he said the City would send homeowner a bill for those services. He said the Central WA Homebuilders Association has sent a list of recommendations, including one on inspections and right of entry onto property. He said he has no objection to adopting their wording, which is close to the City of Yakima's.

Councilman Gawlik asked about re-inspection and where City liability lies. He said he thinks inspectors have the right to inspect under International Building Codes.

The Public Works Director said the inspection process rightfully belongs during construction. He said if the City sees a need to go back years later, that's when they should have a court order or get an owner's permission to enter the property.

Councilman John Tierney asked who issues permits on lots smaller than 5,000 square feet.

The Public Works Director said they will be issued through City; builders will submit a site plan showing how they plan to avoid surface drainage. He said Ecology only comes out when there is a complaint, and the local inspector is on-site more often.

Mr. Pooler called Council Members' attention to page 7 of the Ordinance for Development and Redevelopment, noting this is where the requirements for 5,000+ square feet of new impervious area are spelled out for both Building Permits and Occupancy Permits. He said Public Works is not adding permits, rather they're working within existing permits.

Councilman Tierney asked if the City gets reimbursement from the state when we find exceptions to their requirements.

The general response was that we're always required to meet state mandates without pay.

Councilman Larson said if the property is less than an acre, these are not required.

Joe Henne said Public Works wants these requirements for everything in the City.

Councilman Larson said it sounds like "Big Brother."

Everybody talked at once.

Mr. Pooler said as currently written, the problem we have is differentiating the requirements between properties of an acre and a residential parcel.

He noted WDOE's Core Element #5 (as follows) is required.

- Provide runoff treatment — basic treatment is required for all projects discharging to surface waters that create 5,000 square feet or more of pollutant-generating impervious surface area.
- Additional treatment may be needed at some sites.
- Non-pollutant generating surfaces are exempt from basic treatment requirements as long as flow is kept separate.

Discussion disintegrated into everybody talking at once.

Councilman Jorgensen said he said he understands that we're trying to avoid problems in the future. He asked what we're doing in regard to transitional areas between older homes and new builds.

Council Members and Staff began discussing the source of runoff problems, a broken water main, fiber in catch basins, etc.

Mayor Jones declared the Study Session concluded at 3:58pm. He said the Council will look at these ordinances again during a Study Session prior to the June 25 Council Meeting.