

**City of Selah
Council Minutes
of
May 27, 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 4:05pm.

B. Roll Call

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

Members Excused:

Staff Present: Frank Sweet, City Supervisor; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Rick Gutierrez, Police Chief; Jerry Davis, Fire Chief; John Gawlik, Code Enforcement/Building Inspection Officer; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilman Deatherage led the Pledge of Allegiance.

D. Agenda Changes

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral
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: May 13, 2003
- * 2. Approval of Claims & Payroll – Claims check nos. 40946 - 41021 for a total of \$74,292.51 and Payroll checks nos. 51149 – 51222 for a total of \$92,921.24.

Mayor Jones read the Consent Agenda.

Councilman Schmidt moved and Councilman Kobes seconded to adopt the Consent Agenda as printed. By voice vote, the motion carried unanimously.

J. Public Hearings

1. Public Hearing on the Adoption of the Six-Year Transportation Improvement Program for the Years 2004 to 2009

Public Works Director Joe Henne requested the Council hold a Public Hearing on the 6-year TIP. He enumerated the projects as follow:

1. Crusher Canyon Road from North 4th Street to Mapleway Road
2. South Wenas Ave. from Naches to East 5th to South 1st
3. East Fremont Ave. from North 1st to North Wenas Ave.
4. Speyers Road from Fremont Ave. to West City Limits
5. Park Avenue from South 1st St. to South 3rd St.
6. Valley View Ave. from South 3rd St. to South 3rd St.
7. South 3rd St. from Park Ave. to Southern Ave.
8. Valley View & South 5th Ave. from Valley View & 3rd St. to Southern & 5th St.
9. North 4th St. from Fremont Ave. to West Naches Ave.
10. East Naches Ave. from Wenas Road East to Railroad Ave.
11. Southern Ave. from South 5th St. to South 1st St.
12. North 1st St. from Naches Ave. to Fremont Ave.
13. South Wenas Ave. from 5th Ave. to East 11th Ave. to 1st St.
14. Overlays at various locations

Mayor Jones opened the Public Hearing.

Roy Sample, 115 West Goodlander Road, asked if Goodlander Road is under consideration for improvement.

The Public Works Director answered it is half City half County and is not under consideration at this time.

Mayor Jones closed the Public Hearing.

K. New Business

L. Old Business

M. Resolutions

Ordinance N – 1 was considered prior to consideration of Resolution M – 1 (See below)

1. Resolution Approving the Preliminary Plat of “Quail Court” as Recommended for Approval by the City of Selah Hearing Examiner with those Specific Conditions Contained Therein

(Tabled to next Council Meeting – See N – 1)

2. Resolution Adopting the Six Year Transportation Improvement Program for the year 2004 to 2009

Councilman Allen Schmid asked if there is a way to go back in for funds for projects such as Speyers Road. Public Works Director Joe Henne stated he has heard the state budget has some money to put into that program, but has had no response, because the Legislature has not acted yet.

The Councilman asked about the development of Naches going west. The Public Works Director responded that Naches and Hillcrest will be part of the Crusher Canyon improvements.

Mayor Jones stated he does not think Park Avenue should be a high priority. The Public Works Director stated he will review the prioritization.

Councilman Schmid moved and Councilman Smeback seconded to approve the Resolution Adopting the Six Year Transportation Improvement Program for the year 2004 to 2009. Roll was taken. Councilman Smeback – yes; Councilman Schmidt – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – abstain; Councilman Deatherage – yes. Motion carried.

3. Resolution Approving Extension of the “The Crest” Preliminary Plat Recording Deadline

Community Planner Dennis Davison called Council Members’ attention to the last page of the materials for Item M-3, and explained that this is a request for extension of time for Phases 3, 4 and 5. He stated the statute does provide the possibility of extension, and noted the staff supports approval with conditions as stated in the Resolution. He noted Mr. Sample and Mr. Quinnell are present if Council Members have questions.

Roy Sample addressed the Council, stating he thinks phases 3 and 5 will completed around September 1, although he would like to have until the end of the year. He stated everything is in and done on Phase 3, but Phase 5 has taken longer because they are putting in a full street and need to connect power to Wharton’s house before removing a power pole that is sitting in middle of right-of-way. In regard to Phase 4, Mr. Sample stated residents want Terry Lane to go through as a full street to Goodlander, and his company has the same problem with power poles in the middle of that right-of-way. He requested to have till the end of next year to finish Phase 4.

Councilman Kobes moved and Councilman Schmidt seconded to approve the Resolution.

Councilman Schmid asked about the inability to get power poles moved. He asked Dennis Davison if the ordinance provides for extensions. The Community Planner stated the ordinance allows the Council to grant an additional year, and then if the project is not finished in that time, developers can come back to get an exception.

Lane Nicklin, 20 Terry Place, addressed the Council. He asked what effect an extension would have on local homeowners who are saving money to hook up to sewer and water. Randy Swift, 31 Terry Place, had the same question. He noted he and fellow homeowners turned down the City’s offer for an LID, but hasn’t heard from Roy Sample. Mr. Nicklin asked if there is a way Phase 4 could be partially done, i.e. bring the water and sewer in and do the road work later.

Roy Sample stated his goal is to get everything on the north side of Lyle Avenue done this year (Phase 3 and Phase 5). He stated he will do as much work on Phase 4 as he can, and he hopes to meet with local homeowners soon.

Councilman Allen Schmid moved and Councilman Deatherage seconded to amend the Resolution to extend recording deadline for Phases 3 & 5 of "The Crest" subdivision to December 31, 2003. By voice vote, the motion to amend was approved unanimously.

Roll was taken on the motion as amended. Councilman Smeback – yes; Councilman Schmidt – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Deatherage - yes. Motion carried unanimously.

Mr. Sample asked for clarification on the date of the extension for Phase 4. The date was extended to July 14, 2004.

Mr. Nicklin asked what will happen to area residents if Mr. Sample defaults on the project. The Mayor's response was that residents will not have access to utilities until Mr. Sample's project is completed.

N. Ordinances

1. Ordinance Amending Ordinance No. 420, Zoning Map Amendment No. 2003-2 Rezone to Planned Development (Quail Ridge)

Community Planner Dennis Davison referred to a chart of the proposed preliminary plat, which would implement a Planned Development. He explained that "Planned Development" is a part of Code that encourages a creative approach to land development. He stated Mr. Torkelson proposes dividing his 2½ acres into 15 home sites and 1 large site which would remain open for natural vegetation. He stated this property is currently zoned R-2 which allows for duplex development.

Mr. Davison reported that the Hearing Examiner took testimony, and Don Chaplin testified making the request he made when the zone change was originally proposed that the east 75 feet of the property remain zoned R-1. He noted Mr. Chaplin agreed to the division line and stated the private road will be privately maintained by a homeowners association. He noted the proposal includes draft homeowners maintenance association rules, and stated if the proposal is approved, rules will need to be formally drafted and adopted prior to final approval. He stated after development, each lot and dwelling unit would be sold to an individual homeowner as desired by the developer.

Mr. Davison stated the Hearing Examiner recommended approval with ten (10) specific conditions:

1. Final lot dimensions and lot area must substantially conform with the preliminary plat. The final plat shall contain a note stating that Tract A shall remain in open space.
2. The applicant shall submit design details of the storm water drainage facilities stamped by a Licensed Professional Engineer identifying "as built" drainage facilities.
3. The applicant shall submit design details of the private driveways stamped by a Licensed Professional Engineer identifying "as built" private road.
4. Clear vision triangles shall be indicated on the final plat at the intersection of the private street onto Speyers Road.
5. A private street name sign and stop sign (size, shape color conforming to the 'uniform code of traffic control devices') shall be installed by the developer at the intersection of the private street with Speyers Road. The private street name shall be 'Quail Court'.
6. The Dedication and Waiver of Claims language on the final plat must reference a waiver of direct access. Additionally, the following note must be placed on the final plat: "Direct vehicular access from any

lot onto Speyers Road is hereby waived and prohibited. Access is limited to the approved private street location.”

7. The applicant shall record with the final plat the Declaration of Covenant, Conditions and Restrictions of Quail Court Homeowners Association, or equivalent document, accurately characterizing the nature of the PD and identifying the Association as the private entity to maintain the on-site private street, utilities, drainage facilities, and Tract A. The declaration must vest with the city the right to enforce the permanent retention and maintenance of the common open space and must be deemed by the city attorney to be practical and legally sufficient for that purpose.

8. A barrier curb/gutter and five (5) foot wide sidewalk section must be installed along Speyers Road adjacent to the subdivision. The portion of Speyers Road adjacent to the subdivision must be improved by widening the existing pavement surface from the existing pavement edge to the new curb line along Speyers Road.

9. The existing six (6) inch municipal water line located in Pear Avenue be extended easterly, across Speyers Road and inter-tied with the existing water line in Speyers Road, to the subject property.

10. Prior to final plat approval, the applicant shall present evidence to the City of Selah Community Planner that the irrigation district has been contacted and that the irrigation district is not requiring the dedication of irrigation easements in accordance with RCW 58.17.310.

Public Works Director Joe Henne noted that an eight (8) inch municipal water line will be used to extend from Pear Avenue.

Councilman Kobes asked about the driveway junction with Speyers Road, noting the driveway on the site-plan seems to extend only to the property line. The Community Planner stated the road shows short because it's only drawn to the edge of Mr. Torkelson's property, but there is a barren right-of-way which allows the junction. Carl Torkelson stated it is drawn incorrectly and will meet the street.

Councilman Kobes asked Fire Chief Jerry Davis about fire truck access. The Chief stated they put a hammer head at the top which will allow a turn-around.

Councilman Kobes asked if the lots are wide enough to meet setbacks. Code Enforcement Officer John Gawlik stated there will be four feet between houses. He stated code allows no openings on any of the facing walls; there will be a minimum of a one-hour fire protection material on each of those walls, a wrap of one-hour material around the eaves and a class A roof of fire retardant material. He stated the use of zero lot line methodology makes it similar to joining them as a duplex.

Mr. Torkelson stated this plan is similar to joining them into duplexes, this just separates them into individual dwelling units.

The Code Enforcement Officer stated Mr. Torkelson built a triplex across the street from this plat using the same envelope for all three of the structures that he will be using in this Planned Development. He stated the only difference in that project is that he connected the rooflines of all three structures with an approved method of construction that is also fire-retardant.

The Code Enforcement officer explained that in the current proposal, utility and garage are on the on first level and living quarters on the second and third levels.

In response to a question from Council Schmid about traffic, the Public Works Director responded that his department is looking at the street plan. Council Schmid said it is important to plan carefully for traffic, citing the bottleneck that already exists at the intersection of Fremont and Speyers. He asked what road width is proposed for the subdivision.

Mr. Torkelson responded that the road width will be twenty-four (24) feet.

Councilman Larson asked how homeowners associations work, i.e., who enforces the rules and covenants. He noted his experience is that these associations don't work very well. The Councilman asked if these lots meet requirements for green space and percentage of building to lot size.

Carl Torkelson stated the smallest yard in this subdivision is 25 x 30 feet. He noted a lot of his duplexes have yards of similar size.

Councilman Allen Schmid stated the need to see detailed information in line with Planned Development guidelines, such as elevations, etc.

Carl Torkelson stated he could provide additional information.

Councilman Schmid Moved and Councilman Larson seconded to table consideration of Ordinance N 1 and Resolution M – 1 until the next Council Meeting, June 10, 2003 in order to allow Mr. Torkelson to bring back specific details relative to his Planned Development. By voice vote, motion carried unanimously.

- * 2 Ordinance Amending the 2003 Budget for Marudo Land Development Planning Services
- * 3. Ordinance Amending the 2003 Budget for a Contribution to Support Parent Trust for Washington Children

O. Communications

- 1. Oral

P. Reports/Announcements

- 1. Mayor
- 2. Council Members
- 3. Boards
- 4. Departmental
 - a. Building Inspection/Code Enforcement Monthly Report - April 2003
 - b. Wastewater Treatment Plant Monthly Report – April 2003
 - c. Planning Commission Minutes of April 29, 2003 – Approved
 - d. Planning Commission Minutes of May 1, 2003 – Approved
 - e. Planning Commission Minutes of May 6, 2003 – Approved

City Supervisor Frank Sweet reported the Selah Parks Facilities Committee will be making a presentation to the Selah Parks & Rec Service Area Board Thursday evening, and he has sent a request to that Board to make presentation to them in August, after the Master Development Plan is completed.

Police Chief Rick Gutierrez reported the ID's are here, and he will leave them at the City office.

Clerk/Treasurer Dale Novobielski reported that after the first five months, sales taxes are 11% ahead of last year.

Public Works Director Joe Henne reported dust abatement will begin next week.

Mayor Bob Jones reported he toured the Whistler Aquatic Center this weekend and will duplicate information for Council Members.

Councilman Herb Schmidt thanked the Police Chief for the ID badges.

City Supervisor Frank Sweet suggested a Study Session for the next Council Meeting on the ID's and the patrol car video equipment.

Q. Executive Session

(No Executive Session scheduled)

R. Adjournment

Council Member Schmid moved and Council Member Larson seconded that the meeting be adjourned. With voice vote, the motion passed unanimously. The meeting adjourned at 5:23pm.

Robert L. Jones, Mayor

Ronald Deatherage, Council Member

Keith Larson, Council Member

Gerald Kobes, Council Member

Peter McNew, Council Member

Allen Schmid, Council Member

Herb Schmidt, Council Member

Scott Smeback, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer