

**City of Selah
Council Minutes**

November 9, 2004

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

A. Call to Order Mayor Jones called the meeting to order at 4:04pm.

B. Roll Call

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

Members Excused: Jerry Kobes

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

C. Pledge of Allegiance

Councilman Brian Harris led the Pledge of Allegiance. Lowell Welker led the group in prayer. Roll was called.

D. Agenda Changes

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

Gina McCoy addressed the Council, identifying herself as a Selah property owner, who has a son in high school. She said she wished to address the subject of the Library because the deadline is near when we'll see it disappear out of our town. She stated last year without any discussion with either the Friends or Selah Library Board, the City Council ended the contract with the YVRL, at which time the majority of the Library Board resigned in protest. She said the Friends group developed a plan to improve the delivery of library services in Selah. She stated her group found an independent library to be most expensive and that annexation is the only viable option. She stated those findings were repeatedly communicated to the Council, and now Selah is in the position where the library will close in less than two months unless the City Council passes a resolution to allow citizens to vote on annexation. She said the Council is not dealing in good faith. The City is now poised to use taxpayers' money for legal fees in an effort to take possession of library contents. She stated her interpretation of the contract is that only those books and materials present in the Library in 1978 belong to Selah, and that even if the City

retained all books and materials present in the Library at present, Selah residents would not have access to any YVRL resources. She accused the Council and City officials of having a hidden agenda to take over the space the Library has occupied in City Hall. She said the Board and Friends are willing to work together to help Council promote annexation. She concluded by stating she holds City Council responsible for maintaining library services in Selah that are at least as good as they are at present. She said that if Selah suffers a loss of library service, the City Council will be held accountable.

Councilman Keith Larson asked Ms. McCoy if she has any information about how the YVRL would exclude City residents.

She stated those residents of the County who pay directly for services would retain use of the libraries.

He asked if that would be based on address and what would keep people from using a cousin's address in the County.

She responded that would depend on the individual.

Councilman Allen Schmid asked if Ms. McCoy is a resident of Selah.

She replied that she is not, but is a property owner and would not buy a house in a town that did not have a library.

Mayor Jones said he is distressed by the accusation that the City has not negotiated in good faith, because the Council committee took a good proposal to the YVRL and heard only "no, no, no, no" because annexation seems to be their only agenda.

Councilman Schmid stated the proposal the committee presented to YVRL included several items that came from the Friends.

Mayor Jones asked how many school bond issues passed in the last election. He stated people are in anti-tax time, and this Council has done an excellent job of living within those constraints.

Jennie Thomas stated the new door in library made the count possible. There ensued discussion about whether the door registers how many people use the Library or just how many times people go in and out the door.

Joyce Darling stated it is amazing that Selah can run a library on \$75,000 a year when it costs Grandview \$200,000, noting she doubts it can be done. She stated she does not feel short-changed by the YVRL service.

Mayor Jones introduced Don Skone, Executive Director of YVCOG. Mr. Skone assured the Council that Councilman Allen Schmid was in attendance at the last COG meeting and made the motion to adopt the annual budget. He stated the COG has done a good job particularly in transportation and praised Joe Henne's participation as chair of the transportation committee. He stated invitations have gone out for a forum on transportation that will be held next Monday. He stated housing rehabilitation is also an important program for YVCOG.

Councilman Schmid complimented Don Skone and his staff for their expertise in running the COG.

2. Written
 - a. Memo from YVCOG – Final Adjustment 2004 STP Allocations

H. Proclamations/Announcements

I. Consent Agenda

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

- * 1. Approval of Minutes: October 26, 2004
- * 2. Approval of Claims & Payroll: Claims check nos. 44126 - 44127 for a total of \$2,600.00, Claims check nos. 44128 – 44201 for a total of \$81,924.07 and Payroll check nos. 54795 – 54886 for a total of \$133,366.90.

Mayor Jones read the Consent Agenda.

Councilman Schmidt and Councilman Larson seconded to approve the Consent Agenda. By voice vote, the motion passed unanimously. Councilman Schmid asked that the materials on K-2 be amended to reflect his presence at the COG meeting.

J. Public Hearings

K. New Business

1. Garner/Bernier Day Care Center Conditional Use Permit (917.46.04-1)

Community Planner Dennis Davison stated the Planning Commission considered this application for Conditional Use Permit for a daycare on North Wenas for sixty children between the ages of three and twelve years old. He noted the Planning Commission after going through the Public Hearing, recommended approval with thirteen conditions as follow:

1. The child daycare facility must meet all current International Building Codes and be handicap accessible.
2. The child daycare facility is limited to a maximum of 75 children aged three through twelve years of age.
3. Days and hours of operation are limited to Monday through Friday commencing no earlier than 6:00 A.M. and terminating no later than 6:30 P.M.
4. A minimum of sixteen (16) off-street parking spaces must be provided to accommodate sixty (60) children. Six (6) employee spaces and ten (10) customer spaces. The number of required off-street parking spaces will automatically increase as additional children attend the child daycare center.
5. All outdoor activity areas lot must be fenced with a minimum thirty-six (36) inch high fence and the fencing maintained.
6. The proponent must secure a City of Selah approved access control permit to the Class Five access control facility, North Wenas Road..
7. The proponent must extend, to the southern parcel line, the twelve (12) inch municipal water line and then connect the facility to this extended line.
8. The child daycare facility conditional use permit is self-terminating if a State approved child daycare center license is not approved within ninety (90) days and thereafter remains a valid license.
9. The child daycare facility shall secure a City business license and renew said license by January 30th of each succeeding year.
10. The child daycare facility is authorized to operate, within the limitations set forth in Conditions #1 through #6, throughout the calendar year and is not limited to a school calendar year.
11. The City may terminate the child daycare facility conditional use permit for violation of the conditions previously established.
12. This permit runs with the land and is unaffected by a change in operator or land ownership provided the child daycare facility remains in service and operation without service interruption for more than sixty (60) days.

13. The required setback from the south property line is eight (8) feet.

Councilman Schmidt asked if daycares need to be in business zoning. The Planner noted daycares are commonly allowed by conditional use permits in R-1 residential areas.

Councilman Schmid asked about state access requirements. The Planner responded that this will be sent off to the state if the Council approves it, and he expects the state to okay it.

Mayor Jones stated the Garners have removed several shoddy places on South First Street and replaced them with new, attractive buildings.

Councilman Schmidt moved and Councilman Larson seconded to approve the Garner/Bernier Day Care Center Conditional Use Permit (917.46.04-1) with the thirteen conditions. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Harris – yes. Motion passed unanimously.

- * 2. Participation in Yakima Valley Conference of Government 2005

L. Old Business

M. Resolutions

- * 1. Resolution Authorizing the Mayor To Sign an Information Systems Services Agreement with the City of Yakima
- 2. Resolution Adopting a Section 125 Cafeteria Plan, Approving its Implementation and Authorizing the Mayor To Sign the Adoption Agreement for the Plan Year Ending September 30, 2005

Clerk/Treasurer Dale Novobielski addressed the Council regarding Resolution M-2 stating Section 125 is a program that the City is able to participate in which will benefit both the City and its employees by avoiding FICA payment on the amount of medical, dental and vision cost that the employee is required to pay. He stated the cost to the City is \$172.00 a year to the administrator to be kept up-to-date on the requirements.

Councilman Schmid moved and Councilman Schmidt seconded to approve the Resolution Adopting a Section 125 Cafeteria Plan, Approving its Implementation and Authorizing the Mayor To Sign the Adoption Agreement for the Plan Year Ending September 30, 2005. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Harris – yes. Motion passed unanimously.

N. Ordinances

- * 1. Ordinance Adjusting the 2004 Budget To Purchase SCBA's with Grant and Reserve Funds
- 2. Ordinance To Establish the Amount of Taxes To Be Levied upon Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2005

Dale Novobielski stated this ordinance establishes Amount of Taxes To Be Levied 2005. He stated \$1,102,000 property represents 1% increase and a \$20,000 increase due to new construction.

Councilman Schmidt moved and Councilman Smeback seconded to approve the Ordinance To Establish the Amount of Taxes To Be Levied upon Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2005. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Harris – yes. Motion passed unanimously.

3. Ordinance Amending Ordinance No. 1615 – 2004 Salary Schedule for Management, Confidential and Unrepresented Employees for the Purpose of Amending the Compensation for Fire Personnel After-Hours Response Calls

The Clerk/Treasurer stated item N-3 is a housekeeping item. He stated within the 2004 budget there was provision for an amount for after-hours calls, but the Salary Ordinance did not reflect it.

Councilman Schmidt moved and Councilman Smeback seconded to approve the Ordinance Amending Ordinance No. 1615 – 2004 Salary Schedule for Management, Confidential and Unrepresented Employees for the Purpose of Amending the Compensation for Fire Personnel After-Hours Response Calls. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Harris – yes. Motion passed unanimously.

O. Communications

1. Oral

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental
 - a. Planning Commission Minutes – September 21, 2004 – Approved
 - b. WWTP Quarterly Report – 3rd Quarter 2004
 - c. Police Department Monthly Report – October 2004

Mayor Jones stated it is good to see young folks in the audience.

Public Works Director Joe Henne reported he would match the Fire Department dollar for dollar for Storz adapters on their fire hydrants. He stated his department is getting ready for winter.

Fire Chief Jerry Davis showed equipment his department procured the FEMA grant monies, 27 air packs and 5 rip packs for each pumper. He stated they'd be in operation in January. He noted the grant was \$215,000 plus the City's share. The Department Safety Officer stated all participants will shave their facial hair prior to participation in burn training. He noted volunteers will appreciate Council participation in burn training which will take place the first two Wednesdays when participants will burn a house down.

Community Planner Dennis Davison wished all a happy Veterans Day. Mayor Jones stated the flags will be up.

Clerk/Treasurer Novobielski reminded Council Members that at 2pm tomorrow there will be a budget meeting for the water department.

Police Chief Rick Gutierrez reported his department is getting out applications for the 2005 Citizens Academy.

Parks & Recreation Director Jeff Hagler reported the skateboard association is having a fundraising dance at the Teen Center this Friday for the skateboard park.

Councilman Scott Smeback recommended the Citizens Academy to those who have not participated.

Councilman Brian Harris noted what an awesome experience Citizens Academy is. He stated doesn't like to see controversy and hopes discussions regarding the Library will not get heated. He reminded those in the audience that Council Members are community members as well.

Councilman Herb Schmidt echoed the support for the Citizens Academy. He also seconded what Councilman Harris said. He stated he supports everyone working together and that we can agree to disagree. He commended the Friends and Library Board for their contributions. He concluded the Council still needs to study the issue and will take a stand.

Councilman Allen Schmid praised the Police Chief for the "nice looking green stuff." Police Chief Gutierrez stated there were 67 marijuana plants found up Speyers Road near dump box.

Councilman McNew stated he loved the police report, and it confirms his appreciation for life in Selah. He stated he believes all sides were heard on the library issue and reiterated no decision has been made.

Joan Sydney addressed the Council. She stated she recently moved to Selah Loop Road and has experienced libraries working cooperatively in Tacoma and Federal Way.

Mayor Jones confessed to being thin-skinned when derogatory remarks are made about this Council, stating it is a great group, extremely hard-working. He stated he and Frank have been going over all of the budget requests and praised department heads. He stated he is proud to be Mayor of a town that has quality people in it such as the members of this Council and staff.

Q. Executive Session

R. Adjournment

Council Member Schmid moved and Council Member Harris seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 4:54pm.

Robert L. Jones, Mayor

Gerald Kobes, Council Member

Keith Larson, Council Member

Peter McNew, Council Member

Brian Harris, Council Member

Herb Schmidt, Council Member

Scott Smeback, Council Member

Allen Schmid, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer