

**City of Selah
Council Minutes
of
October 28, 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 4:00pm.

B. Roll Call

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

Members Excused:

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

C. Pledge of Allegiance

Councilman Kobes led the Pledge of Allegiance. Pastor Lowell Welker led the group in prayer.

D. Agenda Changes

Item G-2b – Annual Facility Use Payment from GYGSA was added to the Agenda.

City Attorney Bob Noe reported the Item M-2 Resolution Authorizing the Mayor To Sign a Slope Easement for Forty Feet of Property Contiguous to McGonagle Field Owned by Selah Covenant Church and Granted to the City of Selah for Use by Selah National Little League should be removed from the Agenda because the right-of-way has been deeded over to Yakima County.

E. Public Appearances

1. Jerry Henry

Gerry Henry reported that her husband has the materials for this presentation and is running late. Mayor Jones stated he would work this item in when Mr. Henry arrives.

F. Getting To Know Our Businesses

G. Communications

1. Oral

Michael Martin, 902 Speyers Road, asked two questions regarding the Library: 1. Would the Mayor and Council support a resolution for annexation? and 2. Is there a plan for an independent Selah Library?

Mayor Jones referred the question to Allen Schmid, a member of the Council sub-committee negotiating with a committee of Yakima Valley Regional Library Board.

Councilman Schmid reported the committee met with the YVRL Board committee, and it was decided there would be no discussion of specific information while negotiations are under way.

Mr. Martin asked if there is a time when the public might know more.

Councilman Schmid responded affirmatively, indicating his committee is waiting to hear back from the Regional Library Board.

Councilman Kobes pointed out that the YVRL Board is meeting today also.

Joanne Sapik, 1681 Selah Loop Road, stated she does not want to see the Selah Library go.

John Tierney, 835 South 4th Street Loop, reported that truckers entering Selah on Highway 823 are using their Jake brakes. He requested the City approach the State to procure a regulatory sign that says “No Jake Brakes Allowed” and place it at the entrance to the City. Mayor Jones promised that he, the City Supervisor and Police Chief would take care of it.

2. Written

- a. Letter to Selah Police Department from Mary K. McElderry

Mayor Jones congratulated Chief Gutierrez on this praise for the Police Department.

- b. Annual Facility Use Payment from GYGSA

City Supervisor Frank Sweet reported GYGSA has paid its contracted fee of \$3,000 in addition to all of the work they've done at Carlon Park. Mayor Jones praised the work done at Carlon and the time the girls and their sponsors have donated.

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 14, 2003
- * 2. Approval of Claims & Payroll – Claims check nos. 41840 - 41919 for a total of \$106,982.64, and Payroll checks nos. 52131 - 52297 for a total of \$135,902.09.

Mayor Jones read the Consent Agenda.

Councilman Schmid moved, and Councilman Kobes seconded to approve the Consent Agenda. By voice vote, the motion passed unanimously.

J. Public Hearings

1. Public Hearing on the Moratorium on the Acceptance of Business License Applications and Development Permits and Approvals Relating to Adult Entertainment, Adult Services, and Adult Retail Businesses and Land Uses; Providing for Severability; Declaring an Emergency; and, Establishing an Effective Date

City Attorney Bob Noe addressed the Council and reviewed the history of the moratorium. He stated the law requires the Council to take public input within a sixty-day period to determine whether to moratorium should last the entire six-month period. He noted the item has gone to the Planning Commission for recommendations.

Mayor Jones opened the Public Hearing.

Lowell Welker addressed the Council in support of the moratorium, stating he sees no need to bring adult entertainment into the City of Selah

John Tierney addressed the Council in support of the moratorium citing the additional drain on the Police Department and its resources if adult entertain were introduced in Selah.

Joanne Sapek addressed the Council in support the moratorium. She stated she recently moved here from the Seattle-Tacoma area, and it's her experience that a crime element follows adult entertainment businesses.

There were no speakers against the moratorium.

Mayor Jones closed the Public Hearing.

K. New Business

1. Wasiczko Front Yard Setback Variance (915.82.03-3)

Dennis Davison reviewed the request for variance, explaining the front yard setback is twenty feet from the front property line, and the applicant's property is seven and a half feet back from the curb. He explained that Mr. Wasiczko originally proposed to build a sixteen-foot wide addition to his garage, but the Planning Commission approved the variance for a twelve-foot addition.

Applicant Wayne Wasiczko, 512 Terrace Drive, addressed the Council, stating there is no possibility of accessing his property from the back because of the slope of the land.

Councilman Kobes commented on the positive notes from neighbors on the plan. Mr. Wasiczko noted no negative comments were received.

Councilman Schmidt noted that if Council Members grant this variance, they might set a precedent for other variances within the neighborhood.

Mr. Wasiczko noted other homes in the area are rectangular whereas his is L-shaped and has a three-foot drop on the east and a three-foot rise on west.

Councilman Schmid asked if Mr. Wasiczko had thought of a straight driveway without turning in from the side. The Councilman asked Mr. Davison to review the numbers. Mr. Davison referred to page 13

of the Item and noted the variance would allow the setback to be twenty-one feet from the curb, eleven feet from the property line.

Councilman Keith Larson asked the Community Planner why he opposes the Planning Commission variance.

Dennis Davison responded that a driveway could run along the house where the shrubs are planted. He called Council Members' attention to page 6 of the Planning Commission report, noting the Commission finding of "lack of vehicular access to rear of property" which contradicts his opinion.

Mr. Wasiczko stated that the width of nine feet could allow passage of a vehicle; however, one still must account for the rise in land.

Councilman Scott Smeback asked what utilities lie in the ten-foot easement between the curb and the property line. Dennis Davison responded there are no utilities located in the easement, but there is a potential of widening the street or building a sidewalk.

Mr. Wasiczko stated he has talked to electrical company and would need to redo the route of electrical lines to his home.

Councilman Schmidt stated he would like to see this item tabled until the next Council Meeting so Councilmen have a chance to see the physical site. He noted consistency is important.

Mayor Jones stated he was down there today and is sorry they didn't put sidewalks in when they did the subdivision. He expressed his interest in Councilman Schmid's idea about the driveway. After Mr. Davison explained again the size of the garage addition and setbacks stipulated by the Planning Commission, the Mayor asked Mr. Wasiczko if he could "live with" that variance.

Mr. Wasiczko responded affirmatively.

Councilman Keith Larson stated the Council has done a good job of holding the line on variances. He stated his hesitance about changing that practice now and voiced his agreement with staff.

Mr. Wasiczko's neighbor, Cecil Aston, 511 Terrace Dr., addressed the Council stating he originally suggested a "straight in" or perpendicular driveway. He stated off street parking is difficult on this property because topography is a problem. He noted that several people have lived at the address through the years, and they've all had trouble with parking. He noted shrubs control erosion now, but if Mr. Wasiczko went in with a driveway alongside the house, it could undermine the neighbor's retaining wall.

Councilman Schmidt stated doesn't want to do codes and regulations "higgley piggley."

Councilman Jerry Kobes stated the Council needs to examine to see if this is a necessary variance, that's what the process is for.

At Councilman Schmid's request, the Community Planner reviewed the setback numbers based on the Planning Commission recommendation of 12-foot addition. Mr. Davison stated the distance from the curb to the addition wall will be 21 feet; the garage addition will be 12 feet rather than 16 feet wide.

Councilman Schmid stated he has been very hard on the topic of variances in the past, but this situation causes him to question why builders do what they do. He agreed with Councilman Kobes that the variance would increase the value of the owner's property and help the parking problem. He stated he could see benefits on both sides.

Mayor Jones stated he was on the Planning Commission when the subdivision was adopted. He stated the variance process is there to help to correct problems.

Councilman Smeback moved approval of the variance as recommended by the Planning Commission for partial approval. Councilman McNew seconded. Roll was called. Councilman Smeback – yes, Councilman Schmidt – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – no; Councilman Kobes – yes. Motion carried unanimously.

L. Old Business

M. Resolutions

1. Resolution Declaring a 1996 Black & White 4 X 4 Jeep Cherokee as Surplus and Authorizing Transfer of Ownership Thereof to the City of Granger in Exchange for a New Kustom ProLaser III Radar Unit

Police Chief Rick Gutierrez reported that Granger Police Chief Robert Perales originally offered to purchase the Jeep Cherokee for \$3,000 and later offered to trade a new laser radar unit valued at \$4,000 for the Jeep. He noted the trade or sale value of the vehicle would be between \$2500 and 3000.

Councilman Schmidt moved and Councilman Kobes seconded to approve the Resolution Declaring a 1996 Black & White 4 X 4 Jeep Cherokee as Surplus and Authorizing Transfer of Ownership Thereof to the City of Granger in Exchange for a New Kustom ProLaser III Radar Unit. Roll was taken. Councilman Smeback – yes, Councilman Schmidt – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

2. ~~Resolution Authorizing the Mayor To Sign a Slope Easement for Forty Feet of Property Contiguous to McGonagle Field Owned by Selah Covenant Church and Granted to the City of Selah for Use by Selah National Little League~~ Withdrawn

N. Ordinances

1. Ordinance Amending the 2003 Budget for Custody of Prisoners

Clerk/Treasurer Dale Novobielski addressed the Council stating Chief Gutierrez had provided him with information showing that as of the end of September we've exceeded budgeted amount for custody of prisoner expenditures. He noted the Chief's memo explains the increased costs.

Councilman Schmid moved and Councilman McNew seconded to approve the Ordinance Amending the 2003 Budget for Custody of Prisoners. Roll was taken. Councilman Smeback – yes, Councilman Schmidt – yes; Councilman Schmid – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes. Motion carried unanimously.

O. Communications

1. Oral

Mayor Jones dismissed students and thanked them for their attendance at the meeting.

Jerry Henry addressed the Council representing the Selah Community Days organization. He noted disposable income has been very good in recent years. He stated their present proposal is to build and maintain a rose garden in Wixson Park, located south of the swimming pool. He stated the Community Days Organization could set aside \$2,000 in a separate account to fund the project and receive continued funding by selling memorials to individuals or groups. He reported maintenance has been taken on by Selah Kiwanis for a period of one year. He stated he is requesting permission to build it and a little use of the backhoe. He stated the flower garden would be about the size of two three-bedroom homes (3020 square feet).

Council Members discussed the location of the proposed rose garden, consulting diagrams provided by Mr. Henry.

Mr. Henry introduced Kevin Brooks, designer of the rose garden. Mr. Brooks stated boulders will help to define raised beds.

Jerry Henry stated the memorials would be plaques naming the honoree and donor. Councilman Kobes noted they would be similar to the Yakima Greenway.

Councilman Scott Smeback asked how the garden would be irrigated.

Mayor Jones stated they would need to modify the sprinkler system. Jerry Henry discussed the design of a drip system.

Councilman Schmidt moved and Councilman Larson seconded to approve the proposal of the Selah Community Days Association to construct and maintain a memorial Rose Garden. By voice vote, motion carried unanimously.

Jerry Henry reported on success of float this year, having taken second place in Ellensburg and first place or better everywhere else (some 20 parades) where they've participated. He noted he built a new shelf to hold all the trophies.

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental
 - a. Police Department Monthly Report – September 2003

Fire Chief Jerry Davis reported there is a large wildland fire in Lower Valley, and two members of his department are off to fight fires in southern California. He apologized to Mayor Jones for his comments in yesterday's staff meeting. Mayor Jones explained that at the Selah Little League auction he had the winning bid for a birthday party at the fire department.

City Supervisor Frank Sweet asked each Council Member to take a copy of the preliminary budget for 2004 and stated they will be meeting to discuss. He reported he, Mayor Jones and Dale, met with

department heads. He advised the Council that High Country represented about 35% of sewer revenues and 9-10% of water revenues, and because of that company's closure, he anticipates increases in water, sewer and garbage rates. He stated the City budget be balanced. He stated it will be necessary to revisit medical insurance since rates rising dramatically. He stated there will be requests for capital expenses, for example a sewer camera.

Councilman Keith Larson reported having toured the wastewater treatment. He praised the crew, saying they are doing a great job. He reported that Civic Center improvements are progressing well with bathrooms completed and work beginning on the foyer. He noted Vern Larson has been in charge of doing that and is doing a great job. Mayor Jones praised the work the Larson family has done there.

Mayor Jones reported he has asked Kip Eagles to serve on the Planning Commission. He stated the Selah Grid Kids are playing for the league championship tomorrow night, and asked Chief Gutierrez to arrange a police escort as the bus leaves Selah. He reported the Selah Little League banquet was a great success, and mothers of Little Leaguers worked hard to pull it together.

Q. Executive Session

(No Executive Session Scheduled)

R. Adjournment

Council Member Schmid moved and Council Member Schmidt seconded that the meeting be adjourned. With voice vote, the motion passed unanimously. The meeting adjourned at 5:17pm.

Robert L. Jones, Mayor

Gerald Kobes Council Member

Keith Larson, Council Member

Peter McNew, Council Member

Allen Schmid, Council Member

Herb Schmidt, Council Member

Scott Smeback, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer