

**City of Selah
Council Minutes
of
September 23, 2003**

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

A. Call to Order Mayor Pro Tem Herb Schmidt called the meeting to order at 4:01pm.

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; Gary Hanna, Deputy Fire Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jeff Hagler, Parks & Rec Director; John Gawlik, Code Enforcement/Building Inspection Officer; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

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

D. Agenda Changes

Mayor Pro Tem Herb Schmidt called the Council's attention to the addition of Page 2 of the Code Enforcement Officer's Report.

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. Agreement for Mutual Aid for Emergencies and Disasters in Yakima County

Councilman Kobes asked if the City has representation on this Board. The City Supervisor responded that Mayor Jones is a Board Member.

b. About Tourism Promotion Area

Councilman Schmid noted he brought this item back from the COG meeting along with the Emergency Agreement.

- c. Memo from Bill Harris, GYGSA
- d. Preliminary 2004 Budget – YVCOG

Councilman Allen Schmid asked Council Members to look at the proposed budget and suggest changes to City Supervisor Frank Sweet so that the COG can adopt it at next month's meeting. He noted the City's assessment is not increasing this year.

- e. Preliminary 2004 Budget – YV Office of Emergency Management

The Mayor Pro Tem noted G – f is an addition to Written Information.

- f. Correspondence to the Council Re. Selah Library Contract

H. Proclamations/Announcements

- 1. Proclamation – Fire Prevention Week, October 5 – 11, 2003

Mayor Pro Tem Herb Schmidt read the Proclamation declaring October 5 – 11, 2003 as Fire Prevention Week.

I. Consent Agenda

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

- * 1. Approval of Minutes: September 9, 2003
- * 2. Approval of Claims & Payroll – Claims check nos. 41659 - 41731 for a total of \$100,796.85, and Payroll checks nos. 51979 – 52049 for a total of \$93,058.18.

Mayor Pro Tem Schmidt read the Consent Agenda.

Councilman Kobes noted an error on page 5 of the minutes, “Granger” should be “Grandview.” The correction will be made.

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

J. Public Hearings

K. New Business

Councilman Schmid moved and Councilman Kobes seconded to postpone consideration of the Item of New Business until the proponent arrived from Seattle. By voice vote, the motion passed unanimously. The Mayor Pro Tem moved on to Item M – 1 Resolution Authorizing the Mayor Pro Tem To Sign a Letter to the Director of the Yakima Valley Regional Library Advising Her of the City's Termination of the Contract for Library Services Effective December 31, 2003.

- 1. Secure Capital Intermediate Access Driveway Variance (915.82.03-2)

Community Planner Dennis Davison addressed the Council regarding Secure Capital's proposal to put in a private road to serve Lots 14, 15, & 16 of Vista View Subdivision. He noted the City's Zoning Code states no building can be built or occupied unless the lot has direct access to a public street or right-of-way. He called attention to the staff report stating there is nothing preventing private drives into each lot from 4th Street Loop. He noted the staff recommendation to the Planning Commission was denial. He stated the Planning Commission heard this issue and recommends adoption with several conditions. He reviewed the materials in the Council packet and enumerated the conditions included in the Planning Commission recommendation:

- 1) A minimum twenty-foot wide paved private road shall extend from Fourth Street Loop and Lot 14 to the East lot line of Lot 15. *(The private road to be constructed prior to issuance of an occupancy permit for any residence constructed on Lot 14, 15 or 16)*
- 2) The design of a safety barrier, to be constructed parallel to and on the North side of the private road, shall be acceptable to the Building Official in consultation with the City Engineer. *(The safety barrier shall be constructed by the developer simultaneous with construction of the private road).*
- 3) The submittal and acceptance of a private road maintenance agreement by the City of Selah. *(Once accepted, the private road maintenance agreement shall be recorded with the Yakima County Auditor)*

Council Members asked questions about easements indicated on the maps, the swale location, the relationship of drawings to that swale, etc.

Councilman Kobes asked about the maintenance of the area between the fence and South 4th Street and also the maintenance of the fence.

The Community Planner responded that would be the responsibility of the property owners.

Councilman Kobes pointed out that the agreement does not address who will maintain that and it could become a problem with three different property owners. The Community Planner noted that should the Council approve the variance, a provision about maintenance could be included as a condition.

Councilman Larson asked for clarification of Item 4 on page 5 under 7 – Specific Reasons Justifying the Variance. “Cuts into these slopes could interfere with existing utilities located in the areas where cuts would need to be made.”

The Community Planner responded that the proponent contends that the utilities would not be buried deep enough to allow the slope of the driveway.

Councilman Schmid asked whether a building permit has been issued on Lot 18, noting that lot was cut down to curb level.

The proponent Gary Greer, Secure Capital, P.O. Box 25127, Seattle, addressed the Council. He stated two dirt contractors told him the lots would not be buildable without the road variance. He cited safety issues, i.e. a car could roll into a neighbor's house because the driveway is too steep. He noted the road maintenance agreement is the standard Yakima County road maintenance agreement. He reiterated this proposal would make the lots buildable. He stated once the access problem is solved they will be salable and the neighborhood will benefit.

Councilman Larson asked if there is a reason the developer could not take the dirt down to curb level. Mr. Greer responded that would be building into the hillside at a low level. He stated the utilities are above pavement line. He noted setback requirements would “put you back to China.”

Deputy Fire Chief Gary Hanna stated the major potential problem for his department would be not having an adequate hammerhead or turn-around.

Mr. Greer suggested the Building Department could withhold permits if the turnaround was not adequate. He stated he would not like to spend hundreds of dollars for engineering services without knowing the plan would be approved. Councilman Schmid stated the Council prefers to see the design before they make approvals.

Councilman Schmid compared this to Queensview Subdivision and some lots on West Fremont where deep cuts have been necessary. He stated he was on the Planning Commission when this subdivision was approved, noting one of the reasons it is laid out as it is anticipates these kinds of problems. He stated Mr. Greer has inherited a situation wherein he will have to move some dirt in order to make driveways for those lots. He indicated that creating a private drive that runs parallel to the public road only pushes the problem up the hillside. In regard to the common driveway, he stated it only takes one person to not get along with the other people sharing the driveway and a nightmare is created.

Mr. Greer noted common drives are very common in western Washington.

Councilman Smeback stated he recognizes how steep these lots are. He suggested combining lots as a possible solution.

Councilman Schmid moved and Councilman Larson seconded to deny Secure Capital Intermediate Access Driveway Variance (915.82.03-2). Roll was taken. Councilman Schmid – yes; Councilman Kobes – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Smeback – yes. Motion carried unanimously. The variance is denied.

L. Old Business

M. Resolutions

1. Resolution Authorizing the Mayor Pro Tem To Sign a Letter to the Director of the Yakima Valley Regional Library Advising Her of the City's Termination of the Contract for Library Services Effective December 31, 2003

City Supervisor Frank Sweet stated the recommendation before the Council is to terminate the contract between the City of Selah and the Yakima Valley Regional Library and then entertain some alternative ideas for library services in the City of Selah. He gave the background on this issue, noting the YVRL is not interested in revisiting or revising the existing contract, leaving the City the sole alternative of terminating the contract effective December 31, 2003. He stated there will be a library in Selah and that nobody (except the newspaper) has talked about Selah's not having a library in the future.

Mayor Pro Tem Herb Schmidt thanked those present for their interest in this item. He pointed out that this is not a Public Hearing, rather a setting for action by the Council, and, while he may entertain comments from members of the audience, he will suspend debate and move to the question should comments become lengthy or redundant. He noted that the Council and City have not been given an opportunity to adjust the contract since its adoption in 1977. He emphasized that the City is eager to explore reasonable options for provision of a library in Selah. He noted individuals must adjust their budgets if things become too costly, and that is the situation the City is in with the Library. He asked members of the audience who wish to speak to this issue to give their name and address and to keep their comments brief.

City Supervisor Frank Sweet reminded the Council that the 2003 Budget under-budgeted the amount to be paid to the Yakima Valley Regional Library, but that this year's contract amount will be paid in full.

Paul Sugden, Superintendent Yakima Valley School, addressed the Council. He stated his residents have a significantly lower mental ability than the Members of the Council and others present, noting if they were of higher mental ability, they would be using the library. He stated library services they previously used have been cut, citing the book mobile as an example. He advised the City to put in parking meters to increase City's revenues. He reiterated that if his residents were of higher mental ability, they would use the library.

Richard Pingrey, 401 North 4th Street, addressed the Council. He said everyone wants to work together to achieve a good library service in the City of Selah. He noted to provide a library in Selah (without the YVRL) would require a staff, computers, and we'd lose inter-library loan system, book purchasing, and summer reading programs for children. He stated that unless we are a part of the Regional Library system, we will not be allowed to use the regional system. He reviewed the funding system whereby Selah citizens pay 25¢ per \$1,000 assessed valuation. He stated the YVRL would have no reason to want to negotiate with Selah since we already pay less than any other city. He brought up the option of annexation and suggested working with the YVRL and community groups. He noted the availability of grant monies. He accused the Council approach of being "confrontational," noting his group does not want to be confrontational. He concluded that he wants to work with the City, not against it.

Monica Weyhe, Director of the Regional Library, addressed the Council. She read a statement saying she had not addressed the Council in about ten months, but had had discussions with Mr. Sweet and Mayor Bob Jones. She said she heard indirectly today that the City Council would vote to terminate the contract with Yakima Valley Regional Library. She stated the YVRL would like to continue to provide library services to the City of Selah, noting most cities the size of Selah have a library and recognize the value of library services. She stated she was not present to give a budget presentation nor had she been asked to do so. She said she was present at the request of the Greater Friends of the Selah Library. She stated that in March of this year she and a subcommittee of YVRL Board members were appointed to meet with members of the Selah City Council to discuss this and other issues. She stated she called Mr. Sweet to inform him. She said to this date neither she nor Board Members have had any response. She stated on behalf of the Board that they remain open to discussion; if the City chooses to end the contract, they hope to come to an amicable agreement regarding the terms and conditions of the terminating language.

Michael Martin, P.O. Box 967, Selah, stated he has not seen any proposals the City has made to the Yakima Valley Regional Library. He stated it looks like an up and down vote to terminate. He suggested changing negotiators. He stated the appearance is one of bad faith, and "the whole thing is illusory." He noted the focus should be on the residents of Selah, not the City's budget, and he thinks it is inappropriate to shift a greater tax burden on the citizens of Selah. He noted that if Selah annexed into the YVRL, the City would still need to provide a building. He said the notion of having a library bond (for a building) is "illusory." He urged the Council to include the public in its negotiations with the YVRL.

Rena Henning, 1415 West Cherry, addressed the Council.

Mayor Pro Tem Schmidt stated he wanted to be sure to allow comment time for Council Members.

Ms. Henning continued. She stated there seems to be no plan and asked what will be cost effective. She emphasized no one seems to be thinking of the students who will be unable to go to Yakima to use the Library. She said kids can come here (to the Selah Library) fairly safely.

Joyce Darling, 209 Valleyview, addressed the Council noting she had served on the library board when Selah's library was privatized. She stressed the budget woes they had then. She stated she is a member of the Friends of the Library and believes citizens have an ethical right to hear the debate and the planning. She stated the public who use the Library had no idea this was being considered until reading it in the paper. She stated she is disappointed and believes the decision is wrong.

Mayor Pro Tem Schmidt opened discussion to Council Members.

Councilman Schmid thanked those present. He stated he does not think there is a member of the Council who does not want to have a library in Selah. He stated this discussion has been going on for three years, noting two years ago he was appointed by the Mayor along with Mayor Pro Tem Herb Schmidt and Councilman Kobes to attempt to open communications between the Yakima Valley Regional Library Board and the City of Selah. He noted the contract is out-dated. He read from the letter Council subcommittee received in 2001 from Victor Lara, YVRL Board Chair denying the City an opportunity to negotiate the contract. He stated that up until that time he and other subcommittee members had felt they were making progress. He noted the YVRL takes approximately \$350,000 from the Selah School District area, and sometimes we forget that 2/3 of the Selah Library's population is outside the incorporated area. He noted the current facility is too small. He stated the YVRL gave us no way of getting their attention but to cancel the contract. He stressed the Council is not desirous of confrontation. It desires to get the YVRL's attention. He stated he would like to see better methods of calculating library use.

Councilman Kobes stated he felt good about the initial meetings with the YVRL Board members, and then was advised no further meetings were necessary. He stated we have not had access to costing information, something to show the City about what we're getting for our money, about the operation of the Yakima Valley Regional Library. He stated his belief that any business should be able to see what it's paying for.

Richard Pingrey stated that the statements of Council Members are accurate, but they are not accomplishing anything. He stated Regional Library staff, specifically Anne Haley, have been mistreated by representatives of the City and he could understand why there were hard feelings. He reiterated his willingness to help looking for grants. He restated that canceling the contract is going in the wrong direction.

Councilman Keith Larson stated that built into the current contract is an escalation clause of 6% annually when our revenues are limited to 1% annual increases. He stated his belief that the citizens of Selah are expecting the City to continue to provide good fire service, good streets, good police protection, water, sewer service. He stated the Council has attempted to negotiate in good faith, but was told in no uncertain terms the YVRL respectfully declines to enter into any negotiations. He agreed that no Council Member wants to see the Library go away, but the City has budgets to meet, payrolls to make, bills to pay and this is an unhealthy contract. He stated this (contract) might be a great "deal," but it's increasing at a faster rate than our revenue, and the Council has been unable to get information as to where all of that money is going, why more of that money doesn't come back to the Selah community. He noted some \$200,000 is collected from taxpayers in the city (and school district) of Selah above and beyond what is spent on the Selah Library.

YVRL Director Monica Weyhe disagreed with Councilman Larson, stating that is not true; the YVRL has given all numbers whenever requested, as long as they had the information. She noted their accounting is limited by the bars system. She emphasized the YVRL has been perfectly frank and forthright, forthcoming in providing the numbers that they do have. She referred to a handout she provided to the Council last November detailing costs of personnel, books materials & magazines, maintenance reimbursement, costs of frame relay & Internet, information technology, vehicle maintenance and delivery. She stated she is not aware of the specific 2001 letter Council Members referred to; however since then (in March of 2003) three YVRL Board members were appointed to meet with members of the Council. She reiterated that she had called Mr. Sweet with that information, but had not heard back from him.

Michael Martin stated that Council Members are incorrectly reading the contract; the 6% is a cap not an automatic escalator.

City Supervisor Frank Sweet stated we have heard much of this same stuff over the past three years. He stated the Council has received detailed expenditure information, but what is lacking is the revenue information. He stated his recollection of the conversation with Ms. Weyhe (in March of 2003) was in regards to providing a bigger library and redoing the contract to pay for that library. He stated that her response was that her Board has to see some benefit to the Regional Library. He stated he is not aware of any written communication. He further noted that the only alternative he could see was to terminate the contract to force the issue and to negotiate something that makes sense for our community. He predicted that if the contract is not terminated, the Council will be back next year in the same spot as today. He stated that if members of the Regional Library Board had been interested in negotiating in good faith, they would have retracted the letter they previously sent which said they had no interest in negotiating.

Councilman Schmid moved and Councilman Smeback seconded to adopt the Resolution Authorizing the Mayor Pro Tem To Sign a Letter to the Director of the Yakima Valley Regional Library Advising Her of the City's Termination of the Contract for Library Services Effective December 31, 2003. Councilman Schmid explained that he is making this motion because he believes it is the only way the City of Selah can sit down with the YVRL to discuss the whole issue. Roll was called: Councilman Schmid – yes; Councilman Kobes – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Smeback – yes. Motion carried unanimously.

The Mayor Pro Tem urged those present to be involved in the planning for the Selah Library.

Councilman Schmid asked the City Supervisor to contact the Yakima Valley Regional Library to attempt to set up a meeting between the subcommittees of the Council and YVRL Board to work out differences.

Mayor Pro Tem Schmidt read the Resolution adopted by the Council.

N. Ordinances

O. Communications

1. Oral

P. Reports/Announcements

1. Mayor
2. Council Members

3. Boards
4. Departmental
 - a. Police Department Monthly Report – August 2003
 - b. Building Inspection/Code Enforcement Report - August 2003

Councilman Schmid reported that Friday was the grand opening of the expanded Visitors & Convention Center. He noted he, the Mayor Pro Tem and Councilman Kobes were in attendance.

The Mayor Pro Tem reported the plaque he received on behalf of the City is very nice. He noted Selah was mentioned half a dozen times.

Councilman Kobes praised the efforts of Yakima Valley cities to work together to promote tourism and urged the City to continue working toward that aim.

Councilman Keith Larson reported the Parks and Rec Service Area Board has recently been rekindled, and he and Councilman Smeback sit on that Board. He noted the article in today's paper where Peter Dell is speaking about the project. He noted there have been no votes taken by the Board, and votes will need to be taken prior to its being on the ballot. The "punch" now is to get something on the ballot in May.

Councilman Smeback reported there was an effort to get the issue on the November ballot, but time has been well spent in gathering important information. He predicted the packet will be put together in plenty of time for it to go on the ballot in May.

Clerk/Treasurer Dale Novobielski reported the departments are moving forth with the 2004 preliminary budget. He will give preliminary information to the City Supervisor by October 2.

Councilman Schmid asked how many kids finally signed up for soccer. Parks & Recreation Director Jeff Hagler reported it is around 445. The Councilman congratulated Mr. Hagler on the success of his program.

Councilman Keith Larson noted that late starting times make it hard for some of the kids, since some of them start as late as 8:00 or 8:30.

Mayor Pro Tem Herb Schmidt stated it has been his privilege to represent Mayor Bob Jones not only at the visitor center but also at the Doubletree with the Japanese forces who have been out at the Training Center.

Councilman Schmid thanked the students from the high school for their attendance and attention.

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 6:02pm.

Herb Schmidt, Mayor Pro Tem

Gerald Kobes Council Member

Keith Larson, Council Member

Allen Schmid, Council Member

Peter McNew, Council Member

Scott Smeback, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer