

City of Selah
Council Minutes
May 28, 2013

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

A. Call to Order Mayor Gawlik called the meeting to order at 6:30pm.

B. Roll Call

Members Present: Keith Larson; Paul Overby; Dave Smeback; Allen Schmid; Brooke Finch; Carl Torkelson

Members Excused: John Tierney

Staff Present: David Kelly, City Administrator; Dale Novobielski, Clerk/Treasurer; Jerry Davis, Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Jeff Hagler, Parks, Recreation, & Tourism Director; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Council Member Smeback led the Pledge of Allegiance. Pastor Jason Williams led the opening prayer.

D. Agenda Changes **None**

E. Public Appearances/Introductions/ Presentations

1. Community Pride Awards

- a. Jennifer Amos, Crossing Guard, Selah Intermediate School
- b. Cheri Jones, Crossing Guard, John Campbell Elementary
- c. Sue Davidson, Crossing Guard, John Campbell Elementary
- d. Chris Mackey, Crossing Guard, John Campbell Elementary
- e. Leslie Knowles, Crossing Guard, John Campbell Elementary
- f. Rosemary DeJong, Crossing Guard, John Campbell Elementary
- g. Patty Clyde, Crossing Guard, Robert Lince Elementary
- h. Judy Delashaw, Crossing Guard, Robert Lince Elementary
- i. TaRonni Corbin, Crossing Guard, Robert Lince Elementary
- j. Jessica Phillips, Crossing Guard, Robert Lince Elementary
- k. Brenda Williams, Crossing Guard, Robert Lince Elementary
- l. Jeanne LaBombard, Crossing Guard, Robert Lince Elementary

Mayor Gawlik said that SRO Pauli Martin talked with him a couple weeks ago about her desire to honor those who give unselfishly of their time to be crossing guards every school day at Selah Intermediate School, John Campbell Elementary, and Robert Lince Elementary.

Mayor Gawlik read aloud each award and SRO Martin presented them to the recipients. SRO Martin received the awards on behalf of those who were unable to attend.

F. Getting To Know Our Businesses **None**

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Skylar Brewer approached the podium and addressed the Council. He said that he is a Selah longboarder and that his brother introduced him to the sport. He commented that the primary hill he and other longboarders like to ride down is Crusher Canyon Road. He acknowledged that they can disrupt traffic got, although he feels they have improved their ability to get out of the way of oncoming traffic. He went on to say that they are willing to meet in the middle and make some rules, adding that there haven't been any accidents yet. He hoped that his board doesn't get confiscated, as it is his transportation from his house to his dad's house. He held up a glove that they use to stop when longboarding.

City Administrator Kelly asked if the glove is used on the ground or on the wheels.

Mr. Brewer replied that they slide it along the pavement and kick the board out; friction makes us stop. He suggested that Council make some rules and regulations that would still allow the longboarders to be active and have fun.

Bruce Williams, 701 Southern Avenue, approached the podium and addressed the Council. He said that they have had an increasing number of longboarders on their street the last couple of weeks, as the hill is great for skateboarding, but added that it is also a hazard with the traffic on the street and disregard for posted stop signs. He felt that regulations would be a good idea, as he wouldn't want to see the skateboarders restricted everywhere in town for a healthy activity. He suggested finding an alternative location to the streets in town, as it is a safety hazard.

Mayor Gawlik said that he spent some time with a couple gentlemen from the longboarding group recently, noting that he was educated in the differences between skateboards and longboards. He remarked that the City has a responsibility not only to its other citizens, but also to its youth. He went on to say that the biggest issue currently is the complaints from motorists and neighborhoods regarding close calls or their streets being taken over by the boarders. He felt that this is a worthwhile activity, adding that he participated in soapbox derby races when he was younger. He commented that his suggestion to the young men was the possibility of a City-sanctioned activity down the road.

Seeing no one else rise to speak, Mayor Gawlik closed the meeting.

2. Written **None**

H. Proclamations/Announcements **None**

I. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

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

* 1. Approval of Minutes: May 14, 2013 Council Meeting

* 2. Approval of Claims & Payroll:

Claim Checks No. 62063 for a total of \$ 2,178.31
Claim Checks Nos. 62064– 62128 for a total of \$110,943.83

Council Member Larson moved, and Council Member Schmid seconded, to approve the Consent Agenda as read. By voice vote, approval of the Consent Agenda was unanimous.

J. Public Meetings **None**

K. New Business **None**

L. Old Business **None**

M. Resolutions **None**

N. Ordinances

1. Ordinance Amending the 2013 Budget for the Purchase of Audio Visual Equipment by the Police Department

Clerk/Treasurer Novobielski addressed N-1. He said Police Chief Hayes requested an amendment to allow for the purchase of new audio visual equipment for the training room, and that the monies come from two reserve funds that are funded through court assessments. He added that both funds would be left with a balance of three to four thousand after the budget adjustment.

Council Member Schmid moved, and Council Member Finch seconded, to approve the Ordinance Amending the 2013 Budget for the Purchase of Audio Visual Equipment by the Police Department. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

2. Ordinance of the City of Selah, Washington, amending Chapter 6.74 of the Selah Municipal Code, Skateboards, Roller-Skates, Foot Scooters, Electric Motorized Foot Scooters, Gas Powered Motorized Scooters, and Motorized Scooter, by adding a new subsection to section 6.74.020 prohibiting the use of skateboards and foot scooters on public roadways and by amending section 9.74.030 to increase the civil infraction amount for violations

City Administrator Kelly addressed N – 2. He said that Police Chief Hayes brought up the subject of skateboards and longboards at a recent staff meeting, adding that the City’s Ordinance doesn’t have a lot of teeth for enforcement at this point in time. He commented that this is a starting point for Council to consider, which would allow officers to first warn a violator, followed by a one hundred twenty-five dollar fine for another incident, and finally confiscate the board if necessary. He went on to say that the

purpose of this legislation is safety, and that his concern is the difficulty in slowing down and stopping as they do not have brakes like a bicycle or motor vehicle.

Police Chief Hayes said that they get several complaints each week, and that the number has increased as the weather has improved. He stated that he is concerned about the boarders' safety, as they cannot stop as quickly as a bicycle and can achieve speeds in excess of thirty miles per hour. He went on to say that there have been reports of parents blocking traffic while boarders are using a road, and that he wished there was a section of pavement that could be used strictly for this activity.

Council Member Schmid said that, while he understands that the City needs to look at the safety of the young people, he doesn't care for the language and pricing for the person being fined. He suggested that Council look into the matter further and come up with some reasonable boundaries. He went on to say that he lives in an area where this activity takes place and enjoys watching them participate in a healthy activity that he feels is relatively safe. He does feel that the boarders are using roads that they shouldn't be on, and that the City should look into restricting some areas without placing a ban on the activity altogether. He recommended that Council take some time to review the matter and come up with a way that can benefit the boarders as well as everyone else.

Council Member Smeback said that he felt this was a little restrictive, saying that taking boarders off the road will place them on the sidewalks.

Police Chief Hayes commented that he would rather have them on the sidewalks.

Council Member Smeback replied that it would create problems with pedestrians.

Police Chief Hayes responded that there is no way to make everyone happy. He wished there were roads for them to use, saying that if you ban them from certain roads they will simply use other ones. He said that he doesn't have a solution for this, but added that he doesn't want to respond to a call where a kid was hit or got run over.

Council Member Smeback observed that the fun of a longboard is the speed that can be achieved on a hill, adding that he would like to hear more from the youth participating in the activity.

Robby Cousins approached the podium and addressed the Council. He suggested working together to find a road that they can use, adding that he feels it's kind of ridiculous that they don't have rights like a bicyclist and that people complain because they don't understand the activity.

Police Chief Hayes remarked that they contact the longboarders because they have received complaints from citizens. He added that there is a group of longboarders who are disrespectful, doing things like calling drivers names and making rude gestures at them.

Mr. Cousins said that he hates how one person can ruin it for everyone.

Police Chief Hayes commented that confiscation of boards was already in the Ordinance, and that they currently have several in the evidence room. He added that they only confiscate a board as a last resort when repeated fines don't appear to make a difference to the individual.

Council Member Finch inquired about the cost of a longboard.

Mr. Cousins replied that they run anywhere from one hundred fifty to three hundred dollars per board.

City Administrator Kelly said that he is all about finding a resolution to the matter by deciding what the City can do to help these young people out while ensuring safety of the boarders as well as others.

Mr. Cousins commented that skate parks are not their style, and that, while it would be great to have a paved course, the hills are right here and already paved.

Council Member Finch suggested using something similar to the bike lane.

Mr. Cousins replied that it would work for transportation needs. He said that they can stop fairly quickly and don't need a lot of space for their activity. He admitted that they don't always look back to see the traffic, but felt that people don't understand the activity and call the police.

Police Chief Hayes noted that the perception is that this is an illegal activity.

Council Member Smeback felt that the activity is similar to having bicyclists on the road. He commented that the larger groups doing more runs draw more attention than a couple people doing a couple quick runs.

Council Member Larson thanked the boarders for coming in to speak. He expressed his desire to come up with a solution, adding that he rode skateboards, motorcycles and bicycles as a kid and would like to find a creative solution to the matter.

Council Member Finch agreed with finding a compromise.

Council Member Larson added that the current situation is not acceptable, as he would hate to hit a kid zipping in front of him as he drove down Fremont Avenue.

Mr. Cousins remarked that he goes up to Terrace Heights right now; they have discussed this with the local cops and received the okay.

City Administrator Kelly said that another issue for consideration is the City's liability if they approve certain streets for this activity and someone is injured. He will talk with the City's insurance about the matter and see what they have to say on the matter.

Council member Larson feels that it would be acceptable if done safely.

City Administrator Kelly remarked that the City could make that choice, but they would have to live with the liability issue.

Council Member Torkelson stated that he agrees with his fellow Council Members, adding that they need a balance between keeping the boarders safe and allowing them to pursue an activity they enjoy. He liked the possibility of a hillside skate park and felt that the City should look into the liability and financial burden of making a dedicated park for the boarders.

Council Member Smeback suggested running a program as part of the summer Parks & Recreation activities.

Parks, Recreation and Tourism Director Hagler responded that he could research what other communities have done.

Public Works Director Henne commented that Sunnyside held a soapbox derby years ago.

Police Chief Hayes remarked that they would still need to practice.

Council Member Schmid said that they don't want to be limited to one or two times a year, but would rather be allowed to do it on a daily basis.

Public Works Director Henne commented that the City used to have children at play signs around town, but removed them as the City cannot condone kids playing in the streets.

Council Member Schmid felt that it would be great to do something where no one was hurt but added that it typically doesn't work that way.

Council Member Overby remarked that he would hate to see the activity go away. He said that it is a safety issue rather an issue with the longboarders themselves, as it is unsafe when the boarders are going in excess of thirty miles per hour without adequate safety gear and using roads with motorists who are not used to looking for longboarders. He stated that it was only a matter of time before someone gets killed, and that he would not want to condone recklessness. He felt that the boarders put themselves at risk every time they use a street for runs, especially a major arterial like Fremont Avenue or Crusher Canyon Road, and that he doesn't see a safe way to allow them to continue the activity at this time.

City Administrator Kelly asked if the boarders wear helmets.

Mr. Cousins replied that they do wear helmets, adding that most of them also wear kneepads.

Police Chief Hayes inquired about reflective gear.

Mr. Cousins responded that most of them have reflective stickers and some wear gloves with reflective tape.

Council Member Finch said that she received phone calls from some parents who were unable to attend the meeting and suggested holding a public meeting at a later date for additional comments. She felt that the proposed Ordinance was too rigid and that the topic needs further discussion.

Council Member Finch moved to table the discussion until the next Council Meeting and to hold a public hearing on the matter at that time.

O. Communications

1. Oral

Mayor Gawlik opened the meeting. Seeing no one rise to speak, he then closed the meeting.

P. Reports/Announcements

1. Mayor

Mayor Gawlik said that he agrees with Council Member Schmid regarding the gang issue, saying that one counselor who is deeply involved with the program has had great success this far, and that of the nineteen enrolled only two or three have dropped out or reoffended and been stricken from the rolls. He went on to say that those remaining in the program are showing great improvement, have gone back to school, and are setting themselves some goals. He remarked that he and City Administrator Kelly had lunch with the General Membership of the Selah Chamber, and gave a State of the City report to them. He added that they are pleased with the openness that is being seen in both Council and government.

2. Council Members

Council Member Finch had no report.

Council Member Schmid said that it was his honor to represent the City last Thursday evening at an event put on by the Selah School District, at which he accepted an award for outstanding community partner on behalf of the Selah community. He talked briefly about the event itself, noting that they also honor those who work at all levels in the schools. He remarked that Mayor Gawlik, Police Chief Hayes and himself attended a Gang Commission Meeting last Wednesday, where they met Bob Ferguson, the new State Attorney General. He talked about the cutting edge prevention and intervention methods currently used in Yakima County, such as the gang court, noting that the gang court has been used as a model at both state and national levels. He commended the Public Works and Parks Departments for their efforts in de-swamping Carlon Park on Friday.

Council Member Overby had no report.

Council Member Smeback had no report.

Council Member Torkelson had no report.

Council Member Larson had no report.

3. Boards **None**

4. Departmental

Clerk/Treasurer Novobielski gave an update on sales tax revenue for the year, noting that it is running approximately three percent higher over last year's numbers at the same time. He observed that the sales tax revenue from the school construction hasn't come in yet, but there should be some definite changes within sixty days to reflect that revenue. He commented that the Auto Pay Program, or APP, for utility billings hit the five hundred mark last week, which means that one-fourth of the City's approximately two thousand customers are now using APP to pay their utility bills. He hoped that it wouldn't take another three years to hit the six hundred mark.

Public Works Director Henne expressed his happiness to be done with Community Days this year, noting that it takes a toll on the labor force to get the City ready for the annual event. He said that they are getting the pool ready for use and listed some of the items needing completion prior to the opening date.

Mayor Gawlik wondered if they were down to one mower since the accident.

Public Works Director Henne responded that they have a large one that is used at Carlon Park, as well as one small one for other jobs. He went on to say that the insurance company has offered a settlement that, if approved by both sides, will allow the City to purchase another small mower to replace the damaged one.

City Administrator Kelly remarked that a new machine would cost approximately fifty-five thousand dollars, and that the insurance company has offered twenty-one thousand dollars for the used mower.

Public Works Director Henne commented that stormwater is becoming a hot topic due to the recent rain.

Fire Chief Davis said that they are eighty calls ahead of this time last year. He talked briefly about the recruit schools, noting that there is a high turnover of volunteers, and that they are looking into creating an AMS only division. He added that Deputy Chief Hanna will have surgery next Monday and be out for two weeks following the procedure.

Police Chief Hayes said that the department may be losing an officer to the Yakima Sheriff Department, and he will be meeting with the Civil Service Commission in the near future to discuss setting up entry level and lateral lists.

City Administrator Kelly had no report.

Council took a ten minute recess.

Q. Executive Session

1. 30 Minute Session re: Real Estate RCW 42.30.110(1)(c)

Council went into Executive Session at 7:35pm. At 8:05pm, Council went back on the record.

Council Member Schmid moved, and Council Member Larson seconded, that Parcel Numbers 181435-44447 and 181435-44448 be withdrawn from further consideration through the bidding process; this is necessary because these properties were listed for bid separately and should have been listed for sale together. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

Council Member Schmid moved, and Council Member Smeback seconded, to authorize City staff to move forward with the Purchase and Sales Agreement with Pingrey Ford for Parcel Numbers 181435-44447 and 181435-44448 in the amount of \$220,000, and to authorize the Mayor to sign said Purchase and Sales Agreement on behalf of the City. Roll was called: Council Member Larson – yes; Council Member Overby – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Torkelson – yes. By voice vote, approval was unanimous.

R. Adjournment

Council Member Larson moved, and Council Member Overby seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

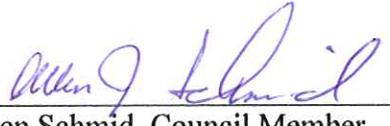
The meeting adjourned at 8:07pm.



Keith Larson, Council Member

EXCUSED

John Tierney, Council Member



Allen Schmid, Council Member

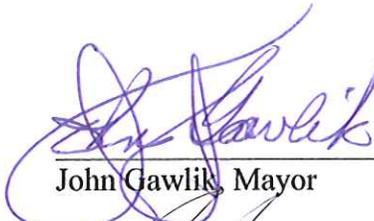


Carl Torkelson, Council Member

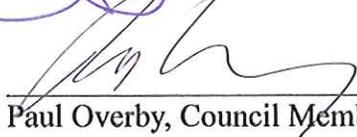
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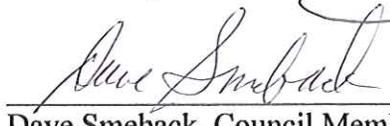
Dale E. Novobielski, Clerk/Treasurer



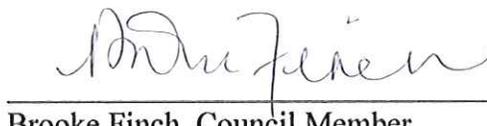
John Gawlik, Mayor



Paul Overby, Council Member



Dave Smeback, Council Member



Brooke Finch, Council Member