

**City of Selah
Council Minutes**

January 11, 2005

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

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

B. Roll Call

Members Present: Brian Harris, 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; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jeff Hagler, Parks & Recreation Director; John Gawlik, Code Enforcement Officer

C. Pledge of Allegiance

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

D. Agenda Changes

Mayor Pro Tem Allen Schmid welcomed those present and announced there would be no agenda changes.

E. Public Appearances

The Community Pride Award was presented to Pastor Lowell Welker in appreciation for his service to the City Council and the Police Department. Chief Gutierrez made the presentation. The Council, staff and audience rose to honor Pastor Welker.

Lowell Welker expressed his admiration for and belief in the Council for their dedication to the community and patience in listening to those who are not residents. He stated he counts it a privilege to have lived in Selah and served with the Police Department. He noted he and his wife are retiring and moving to Renton.

The Mayor Pro Tem stated that Lowell Welker served as minister of local church and served as Police Chaplain and led prayer before each Council meeting.

Councilman Herb Schmidt noted Kathy and Lowell Welker also served faithfully in the Selah Kiwanis Club.

Councilman Kobes thanked Lowell for his service and participation.

F. Getting To Know Our Businesses

G. Communications

1. Oral

Tom Smith, 6910 Columbus Street, Yakima, gave the Council an update on the skateboard park, stating the club raised over \$1300 with the dance they held. He stated the group would be meeting tonight at 6:00 to discuss other fund-raisers. He said the group hopes to raise \$6,000 to get the pad poured this spring.

Mayor Pro Tem Allen Schmid thanked Mr. Smith for keeping Council aware and praised group for picking up the Civic Center and parking lot after their dance. He moved to the Consent Agenda.

2. Written

a. Memo from YVCOG Regarding Technical Advisory Committee

H. Proclamations/Announcements

I. Consent Agenda

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

- * 1. Approval of Minutes: Council Meeting December 14, 2004
- * 2. Approval of Claims & Payroll: Claims check nos. 44388 – 44467 for a total of \$175,067.03, 44468 + 44556 – 44595 for a total of \$127,382.44, 44469 – 44555 for a total of 340,430.36 and Payroll check nos. 55160 -55241 for a total of \$131,966.13 and 55242 – 55255 for a total of \$1304.75.

Councilman Scott Smeback moved to add items M-2, Resolution Authorizing the Mayor Pro Tem To Sign the Renewal of the Agreement for Animal Control Services Between the City of Selah and the Humane Society of Central Washington for the Calendar Year 2005, and M-3, Resolution Authorizing the Mayor To Sign the Legal Advertising Contract with the Yakima Herald-Republic for Publication of City Ordinances, Legal Notices and other Legal Advertising for the 2005 Calendar Year, to the Consent Agenda.

Councilman Jerry Kobes proposed adding M-1, Resolution Accepting the 2004 Street Maintenance Project as Complete and Authorizing the Close-Out of the Project and Release of Retainage. Councilman McNew seconded. By voice vote, the Consent Agenda was amended.

Mayor Pro Tem Schmid read the Consent Agenda as amended.

Councilman Larson moved and Councilman McNew seconded to approve the Consent Agenda as amended. By voice vote, the motion passed unanimously.

J. Public Hearings

K. New Business

L. Old Business

M. Resolutions

- * 1. Resolution Accepting the 2004 Street Maintenance Project as Complete and Authorizing the Close-Out of the Project and Release of Retainage
- * 2. Resolution Authorizing the Mayor Pro Tem To Sign the Renewal of the Agreement for Animal Control Services Between the City of Selah and the Humane Society of Central Washington for the Calendar Year 2005
- * 3. Resolution Authorizing the Mayor Pro Tem To Sign the Legal Advertising Contract with the Yakima Herald-Republic for Publication of City Ordinances, Legal Notices and other Legal Advertising for the 2005 Calendar Year.
- 4. Resolution Accepting the Southern Avenue Bicycle Path Project as Complete and Authorizing the Close-Out of the Project and Release of Retainage

Public Works Director Joe Henne addressed Item M-4 Resolution Accepting the Southern Avenue Bicycle Path Project as Complete and Authorizing the Close-Out of the Project and Release of Retainage. He stated Public Works is satisfied with the completion of the project on Southern Avenue and wishes to release the retainage as soon as all conditions are met.

Councilman Schmidt moved and Councilman Kobes seconded to approve the Resolution Accepting the Southern Avenue Bicycle Path Project as Complete and Authorizing the Close-Out of the Project and Release of Retainage. By voice vote motion carried unanimously.

N. Ordinances

- 1. Ordinance Repealing Selah Municipal Code Title 1, Chapter 1.28 (Ordinance No. 1504) and Dissolving the Library Board, Providing for Severability and Establishing and Effective Date

Bob Noe, City Attorney, addressed the Council, noting this Ordinance will do away with the Selah Library Board a group originally formed to oversee the contractual relationship with the Yakima Valley Regional Library. He explained that the current contract is temporary, ending either with the annexation vote in March or at the end of the 2005 year.

Councilman Schmidt asked if the Library Board had annually reported to the Council in past years. Mr. Noe replied that to his knowledge, they had not.

Councilman Jerry Kobes asked what the benefits are of taking this action now and not in March or December.

Bob Noe responded that the purpose of this board is to monitor the contract and this contract will end.

The Mayor Pro Tem noted the Mayor's Council library committee will be formalized to work with the YVRL. Mr. Kobes stated his concern is that the Library Board had a role to assist in the promotion of annexation.

City Supervisor Frank Sweet stated a City agency cannot promote a ballot issue. He stated their function has been completed. They brought a recommendation to the Council and the Council acted upon it. He further noted that the promotion of the annexation issue can be done under the auspices of the "Friends" group, which has no affiliation with the City.

Councilman Smeback moved and Councilman Larson seconded to approve the Ordinance Repealing Selah Municipal Code Title 1, Chapter 1.28 (Ordinance No. 1504) and Dissolving the Library Board, Providing for Severability and Establishing an Effective Date. Roll was called. Councilman Smeback – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – no; Councilman Harris – yes. Motion passed.

1. Ordinance of the City of Selah Renaming Selah Municipal Code Chapter 6.64, "Public Places of Adult Entertainment" to "Adult Cabarets", Adopting Amendments to Ordinance No. 1990, Codified as Selah Municipal Code Chapter 6.64 Providing for Severability and Establishing an Effective Date

Bob Noe, City Attorney, reminded the Council that last month they passed the Zoning Code part of which referred to adult entertainment establishments. He noted those establishments cannot be prohibited, but the City can control the parameters within which they can function. He referred to a recent ruling upholding Spokane's regulations after which he patterned these regulations. He stated renaming these establishments as "Adult Cabarets" because that's what they are called in the zoning regulations. He cited case law included in the proposed Ordinance and "stumbling blocks" other cities have met that this ordinance avoids. He moved on to the new Ordinance which refers to "Adult Panorams" or booths and reviewed restrictions and licensing provisions included, as well as an appeal process. He stated he is not aware of any adult entertainment trying to come into the City of Selah, rather he drafted these Ordinances in anticipation that one day there might be.

Councilman Herb Schmidt asked if the fines of \$5,000-8,000 are based on precedents in other cities. Mr. Noe responded that he deliberately set them a little high because these establishments typically make as much as \$80,000+ per day. Mr. Schmidt noted he would set fines even higher.

Councilman Brian Harris asked if those outside the City need to have a business license to perform in Selah at a bachelor party, etc.

The City Attorney responded that those contingencies are not included, but perhaps the Council should look at them at a later date.

Councilman Larson moved and Councilman Schmidt seconded to approve the Ordinance of the City of Selah Renaming Selah Municipal Code Chapter 6.64, "Public Places of Adult Entertainment" to "Adult Cabarets", Adopting Amendments to Ordinance No. 1990, Codified as Selah Municipal Code Chapter 6.64 Providing for Severability and Establishing an Effective Date. Roll was called. Councilman Smeback – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

3. Ordinance of the City of Selah Adopting a New Selah Municipal Code Chapter 6.66, "Adult Panoram Establishments", Providing for Severability; and Establishing an Effective Date

City Attorney Bob Noe noted he had already discussed this under the previous item.

Councilman Larson moved and Councilman Smeback seconded to approve the Ordinance of the City of Selah Adopting a New Selah Municipal Code Chapter 6.66, "Adult Panoram Establishments", Providing for Severability; and Establishing an Effective Date. Roll was called. Councilman Smeback – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion passed unanimously.

O. Communications

1. Oral

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental
 - a. Selah Municipal Court Annual Report 2004
 - b. Police Department Monthly Report – December 2004

Parks & Recreation Director Jeff Hagler reported he is continuing to work on Service Area Board projects and will update the Council on their progress.

Police Chief Rick Gutierrez reported that last night was the first night of the Citizens Academy with 36 students for this class, the largest group ever. He extended invitation to the Mayor Pro Tem to attend next week. He expressed his appreciation to Lowell Welker for his three years of service as Police Chaplain.

Councilman Brian Harris wished good luck to Lowell and praised him as a fine upstanding gentleman.

Councilman Scott Smeback also thanked Lowell, noting he got to know him at last year's Citizens Academy. He praised the new format for the Municipal Court report, thanked Jeff Hagler for Parks projects and thanked Joe Henne for effective snow removal.

Councilman Herb Schmidt also thanked Joe Henne.

Mayor Pro Tem Allen Schmid wished Lowell good luck and thanked Councilman Jerry Kobes for his letter to the editor praising Selah. He reminded the Council that those attending the Emergency Management Symposium Thursday will meet at City Hall at 9:30am.

Q. Executive Session

R. Adjournment

Council Member Schmidt moved and Council Member Kobes seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 4:46pm.

Allen Schmid, Mayor Pro Tem

Gerald Kobes, Council Member

Keith Larson, Council Member

Peter McNew, Council Member

Brian Harris, Council Member

Herb Schmidt, Council Member

Scott Smeback, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer