

**City of Selah  
Council Minutes  
of  
June 8, 2004**

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: Brian Harris, Jerry Kobes, Keith Larson, Allen Schmid, Herb Schmidt, Scott Smeback

Members Excused: Pete McNew

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Ricardo Gutierrez, Police Chief; Jerry Davis, Fire Chief; Joe Henne, Public Works Director; Jeff Hagler, Parks & Recreation Director; Dennis Davison, Community Planner; John Gawlik, Building and Code Enforcement Officer;

**C. Pledge of Allegiance**

Councilman Schmidt led the Pledge of Allegiance. Pastor Lowell Welker asked the group to bow for a time of silent prayer for the family of Ronald Reagan and then led the group in prayer.

**D. Agenda Changes**

City Supervisor Frank Sweet requested adding a fifteen-minute Executive Session for the purpose of discussing real estate.

**E. Public Appearances**

**F. Getting To Know Our Businesses**

**G. Communications**

1. Oral

Brian Smith, 808 West Orchard Avenue addressed the Council, stating he sent an email to a council Member asking if pit bulls are addressed in Selah Municipal Code.

City Attorney Bob Noe stated Mr. Smith's concern is that there is a pit bull in his neighborhood. He further stated that while pit bulls are not specifically addressed in Selah Municipal Code, the dangerous dog ordinance states that after one bite, a dog is considered dangerous. He noted Yakima and other jurisdictions have ordinances which specifically ban pit bulls.

City Supervisor Frank Sweet asked how a ban on pit bulls or any other dogs is enforced.

City Attorney Bob Noe responded that animal control could identify any type of pit bull.

Mr. Smith stated that he has read the existing Ordinance that addresses leash laws, etc., but on his street people let their dogs run loose, and the people across the street have a pit bull.

Mayor Jones stated we will look into what is on the books and see what needs to be done. He noted cats are a continual problem.

City Supervisor Frank Sweet stated the City has no ordinance to cover cats.

City Attorney Bob Noe stated he will look at these issues, noting the problem with cats is that they are not kept in any kind of enclosure. He explained that there are significant differences between pit bulls and other breed of dogs. He will research the question and bring something back to Council.

2. Written

a. Letter from Charter Communications Regarding CableCARD Option

Several Council Members expressed confusion over what service the letter is announcing. It was decided that it refers to HDTV capabilities.

b. Press Release – Notice of Sex Offender Forums

Mayor Jones announced the forum on laws for sex offenders will be held tonight.

**H. Proclamations/Announcements**

**I. Consent Agenda**

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

- \* 1. Approval of Minutes: May 25, 2004
- \* 2. Approval of Claims & Payroll –Claims check nos. 43169 - 43256 for a total of \$122,338.27, and Payroll check nos. 53700 – 53779 for a total of \$134,465.44.

Mayor Jones read the Consent Agenda.

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

**J. Public Hearings**

**K. New Business**

**L. Old Business**

**M. Resolutions**

1. Resolution Authorizing the Mayor To Sign an Agreement with Prudential Almon Realty Commercial for Marketing City-owned Property on North Wenas

City Supervisor Frank Sweet reported the Development Committee has looked at designs and configurations for City-owned land on North Wenas. He stated Bill Almon and Almon Realty seem to be ideal for this commercial property and requested the Council okay listing the property with this firm.

Bill Almon addressed the Council, volunteering to entertain questions. In response to a question from Councilman Harris, he explained that if something comes up that doesn't come under the commission agreement, then it would fall under the billable hours of the consultant fee. He noted most things would clearly fall under the commission agreement.

City Supervisor Frank Sweet explained that 14 acres of the North Wenas property have been previously committed, so this contract would cover only that part of the property not yet committed.

Councilman Schmid stated City Supervisor Sweet should be named contact person for the realtor because he is at City Hall and is easiest to contact.

Councilman Schmidt stated his appreciation for the high level of confidentiality with which real estate dealings have been handled.

Councilman Larson stated he sits on the Development Committee and supports this proposal.

Councilman Schmid moved and Councilman Schmidt seconded to adopt the Resolution Authorizing the Mayor To Sign an Agreement with Prudential Almon Realty Commercial for Marketing City-owned Property on North Wenas. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

**N. Ordinances**

1. Ordinance Adopting a new Selah Municipal Code Chapter 6.74, Skateboards, Rollerskates, Foot Scooters and Motorized Foot Scooters; Providing for Severability; and Establishing an Effective Date

City Attorney Bob Noe stated the Mayor asked him to draft an Ordinance covering these issues. He explained there are problems because state law allows motorized foot scooters to travel anywhere bicycles can travel. He further stated this Ordinance does not cover miniature motor scooters, rather it attempts to restrict skateboard use on park property, with provisions for confiscating the skateboard and potentially destroying it. He noted the confiscation provision only applies to skateboards. He suggested that in the case of younger skateboarders, provisions could be made wherein parents could be held accountable. He concluded the Ordinance is a draft and still needs some work.

Mayor Jones stated there is still room for the discretion of Police Officers.

Councilman Schmid stated the Council needs to figure out a way to address the issue of minority of kids tearing up City or private property.

Mayor Jones expressed his concern that the minority has used profanity, has shown no respect for authority and needs to be made aware that a park is public property, not their to destroy.

City Supervisor Frank Sweet stated skateboarders go out in lanes of traffic, endangering themselves and others.

Councilman Larson stated he rode a skateboard when he was young, noting this ordinance only restricts skateboarding on posted property.

Public Works Director Joe Henne suggested that skateboarders and those who ride scooters in a reckless manner could be regulated similarly to reckless driving.

Police Chief Gutierrez stated that those obstructing auto or pedestrian traffic will be cited. He suggested maybe schools can address this through policies preventing students from bringing skateboards or scooters to school.

Mayor Jones stated he was out at Carlon Park today, and there has been a complaint from GYGSA regarding skateboarders using profanity.

Councilman Schmidt noted advertising of motorized scooters is promoting the idea, and more and more kids will want them.

City Attorney Bob Noe stated the City can't do anything that conflicts with state law; for example, things like the muffler requirement or age requirement must adhere to requirements that already exist at the state level.

Councilman Schmid moved and Councilman Schmidt seconded to table the Ordinance Adopting a new Selah Municipal Code Chapter 6.74, Skateboards, Rollerskates, Foot Scooters and Motorized Foot Scooters; Providing for Severability; and Establishing an Effective Date to the next regularly scheduled Council Meeting scheduled for June 22. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

2. Ordinance Amending Ordinance No. 1572 Ordinance Adopting Personnel Rules and Regulations as Amended

City Supervisor Frank Sweet explained that this change clarifies time sheets the City is currently using. He stated Department Heads know what is allowed for sick leave, adding if we see overuse of leaves we can address that at that time.

Councilman Schmid moved and Councilman Smeback seconded to adopt the Ordinance Amending Ordinance No. 1572 Ordinance Adopting Personnel Rules and Regulations as Amended. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

**O. Communications**

1. Oral

**P. Reports/Announcements**

1. Mayor
2. Council Members
3. Boards
4. Departmental

- a. Selah Municipal Court Monthly Report – May 2004

Councilman Smeback reported he has been at softball fields and believes GYGSA is doing a great job with concessions and with girls' softball. He stated Dave Carpenter is doing a great job with the fields.

Councilman Larson reported that the Parks Board discussed North Park the other day, and John Baranowski reported Washington State University has program in landscape design. H reported the Board wants to make North Park class project to submit a landscape design. He stated this could result in a show place for the City of Selah.

Councilman Schmidt reported he attended a recent Convention Bureau luncheon. He urged Council Members to go through materials on Yakima Visitor Center.

Councilman Harris reported that he has contacted Selah Little League about putting volunteers' names on the remaining McGonagle Field scoreboard. He stated the field and the Little League program are a great asset to City, noting he would like to see the City commit \$25,000 to the "Volunteer" scoreboard. Mayor Jones agreed the Little League group has worked very hard.

City Attorney Bob Noe reported that the State Supreme Court recently ruled third degree suspension of licenses unconstitutional because of lack of due process. He noted this affects 400,000 cases per year in State of Washington. He stated this has been the "hammer" cities have used to enforce traffic laws.

Police Chief Rick Gutierrez cited an example of a reckless driver in Prosser, noting this ruling is going to create a lot of problems for law enforcement.

Councilman Schmid urged Council Members to take a look at the new markings and lighting system on Police cars.

Parks and Recreation Director Jeff Hagler reported the pool is up and running. He praised Dave Longmire for his work. He stated school groups have already been using the pool. He thanked to Jeff Gaskell from Parks Board for his maintenance on the pool.

Community Planner Dennis Davison passed out computer disks outlining the Shorelines Master Program "synthesis of best available sciences." He stated there is a state mandate to adopt new requirement and urged Council Members to review the material.

Councilman Kobes added that it covers the stormwater issue as well and is complete with maps,

Community Planner Dennis Davison thanked Treetop for burning disks containing this material.

Fire Chief Jerry Davis reported that so far his department's fuel usage is in line with expectations. He stated the District Fire Commissioners sent him to a strategic planning seminar and that he now has the capability of doing long-term budget projections. He stated the program also included the amortization of vehicles and that he will be glad to share with other departments if it works well for him. He stated the Fire Commissioners will ask voter to "lift the lid" this fall, noting that as long as initiatives stay on the books, fire districts will continue to lose money.

Public Works Director Joe Henne stated he thinks the fuel budget will be okay for his Department.

Mayor Jones reported he attended the stormwater forum the other night. He stated he is tired of federal and state unfunded mandates and the response "there's nothing we can do about it." He stated the skate Park at Carlon Park continues to be a problem, and if skaters want a park, they need to band together to find a place and a way to fund and maintain it. He stated he wants to remove the skating area from Carlon Park.

City Supervisor Frank Sweet stated it is a serious problem affecting Legion Baseball and GYGSA.

Councilman Schmid stated it is a problem that should be eliminated.

Councilman Smeback suggested the Council review this problem as a part of reviewing the Ordinance regarding skateboarding, scooters, etc.

Parks and Recreation Director Jeff Hagler suggested looking at alternative sites.

Mayor Jones stated he wants to remove the skate park from Carlon Park.

City Supervisor Sweet suggested that tomorrow fences be put up to restrict the area.

Mayor Jones stated the problem will be further explored. He stated work in front of City Hall will begin tomorrow and the Administrative Assistant is researching names of previous Council members and Mayors for recognition in paver bricks to be placed in front of City Hall.

Mayor Jones announced that the Council will take a five-minute break before going into Executive Session to discuss real estate.

## **Q. Executive Session**

The Council Moved into Executive Session at 5:21pm. The Council moved back into regular Session at 5:43pm.

## **R. Adjournment**

Council Member Schmid moved and Council Member Schmidt seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 5:44pm.

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Robert L. Jones, Mayor

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Gerald Kobes Council Member

(Excused)

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Peter McNew, Council Member

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Herb Schmidt, Council Member

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Brian Harris, Council Member

ATTEST:

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Dale E. Novobielski, Clerk/Treasurer

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Keith Larson, Council Member

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Allen Schmid, Council Member

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Scott Smeback, Council Member