

City of Selah  
Council Minutes  
July 14, 2015

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

A. Call to Order Mayor Gawlik called the meeting to order at 4:00pm.

B. Roll Call

Members Present: John Tierney; Dave Smeback; Allen Schmid; Roy Sample; Jane Williams; Laura Ritchie

Members Excused: Paul Overby

Staff Present: Don Wayman, City Administrator; Bob Noe, City Attorney; Gary Hanna, Fire Chief; Eric Steen, Deputy Police Chief; Joe Henne, Public Works Director; Dale Novobielski, Clerk/Treasurer; Charles Brown, Recreation Manager; Tom Durant, Community Planner; Andrew Potter, Assistant to the City Administrator; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Council Member Schmid led the Pledge of Allegiance.

D. Agenda Changes

E. Public Appearances/Introductions/ Presentations None

F. Getting To Know Our Businesses None

G. Communications

1. Oral

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

2. Written

a. May 2015 Monthly Report for Building Permits and Inspections, Animal Control and Code Enforcement

H. Proclamations/Announcements None

I. Consent Agenda

**Council Member Williams moved, and Council Member Smeback seconded, to remove N – 1 from the Consent Agenda. By voice vote, approval was unanimous.**

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 26, 2015 Study Session & Council Meeting

\* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 78605 – 78634 for a total of \$233,500.02

Payroll Checks Nos. 78635 – 78659 for a total of \$184,952.91

Payroll Checks Nos. 78660 – 78709 for a total of \$246,387.81

Payroll Checks Nos. 78710 – 78814 for a total of \$219,952.88

Claim Checks Nos. 65941 – 65943 for a total of \$ 44,549.04

Claim Checks Nos. 65944 – 66028 for a total of \$311,584.44

Claim Checks Nos. 66029 – 66030 for a total of \$ 99,595.26

Claim Checks Nos. 66031 – 66034 for a total of \$ 4,000.00

Claim Checks Nos. 66035 – 66142 for a total of \$665,746.44

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

J. Public Hearings None

K. New Business

1. Lexipol, Law Enforcement Standard Operating Procedures Manual

Deputy Police Chief Steen addressed K – 1. He said that they are requesting to transfer money from one line to another to allow them to purchase a Standard Operating Procedures (SOP) Manual for the department from a company called Lexipol. He noted that this would help to reduce liability for the department, the City and the officers themselves, adding that the start-up costs are four thousand nine hundred fifty dollars, with an annual maintenance fee of four thousand four hundred fifty dollars.

Mayor Gawlik requested that he provide Council with the pros and cons.

Deputy Police Chief Steen replied that it will reduce liability because it tests officers on policies and procedures daily; when an officer knows and abides by the SOP it reduces liability, and if an officer

steps outside those bounds it protects the City, because it will be documented that they've been tested on the SOP. He added that Lexipol automatically updates the manual to reflect case law changes.

Council Member Tierney stated that he has worked extensively with various agencies using Lexipol, which has both positives and negatives. He asked if they would send out a training scenario when changes to case law are statute are made, or if it would be buried in the regular exams taken.

Deputy Police Chief Steen replied that when things are changed they send a bulletin to all agencies affected, then after that they would see scenario based questions to makes sure officers understand them. He said that the program is done by a former California Highway Patrol officer who became an attorney, adding that he himself, as well as most of the officers under him, have been to his training classes. He remarked that Lexipol comes to the agency and works with them to create an SOP unique to that entity.

**Council Member Ritchie wondered what they were currently using as a training manual.**

Deputy Police Chief Steen responded that they do have an SOP manual, which was written many years ago under Chief Roberts and updated by himself when Chief Hayes took over. He noted that it has been updated but it doesn't get the attention it should.

Council Member Ritchie inquired if he had talked with other agencies, such as the Yakima County Prosecutor's office about updating their SOP manual.

Deputy Police Chief Steen responded that he has not talked to the Prosecutor's office, although he did look at a couple other agencies that perform this service, neither one of which was as good as Lexipol. He commented that a portion of the current manual came from the Yakima County Sheriff, which was converted to fit Selah.

Council Member Ritchie asked if switching to Lexipol would replace some of the training and save the department any money.

Deputy Police Chief Steen replied that the training will be specific to their SOP regarding policies, allowing them to test more frequently and count the documented testing towards the required minimums.

Council Member Ritchie wondered if this could come out of the line item for training.

**Council Member Tierney commented that they are two different things.**

Deputy Police Chief Steen responded that it's difficult to give a definitive answer, as the current procedure for updating the manuals takes a fair amount of time and doesn't provide the officers with the same amount of training. He noted that it came down to the liability aspect when he researched companies.

Council Member Ritchie inquired where the funds would come from for the next year.

Deputy Police Chief Steen replied that they would have to budget for it on an annual basis.

Council Member Ritchie asked if other local agencies have something similar.

Deputy Police Chief Steen remarked that he believes the Yakima Police Department uses Lexipol, as do other agencies around the State.

Mayor Gawlik inquired if SOPs vary from agency to agency.

Deputy Police Chief Steen responded in the affirmative.

Council Member Ritchie asked if they could cancel at any time.

Deputy Police Chief Steen replied in the affirmative, saying that if they don't like it they can get out. He noted that it's an annual commitment, and that the system monitors when an officer logs in, reads the material and is tested on it.

Council Member Williams inquired if the officers would be able to do that on their laptops while on duty.

Deputy Police Chief Steen responded in the affirmative, stating that it's a cloud-based service; officers can log in and test while monitoring traffic.

Council Member Tierney inquired how long it would take to update the SOP in-house, have it printed, and test employees on it.

Deputy Police Chief Steen told him it would take a very long time.

Mayor Gawlik felt that the city can't be too guarded in our education and policies within the Police Department in today's world.

**Council Member Tierney moved, and Council Member Smeback seconded, to authorize the Police Department to contract with Lexipol and approve a line transfer of funds for the first year. Roll was called: Council Member Tierney – yes; Council Member Smeback –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.**

L. Old Business **None**

M. Resolutions

1. Resolution Approving the Preliminary Plat of "Somerset II" (912.42.15-02) and Adopting Findings and Conditions of Preliminary Plat Approval

Mayor Gawlik informed those in the audience that Council has requested that he be more attentive to the time frame being used by people who come to podium to speak, and to that effect those who provided testimony at the Hearing Examiner's meeting will be given two minutes to speak, once the City and the

proponent have spoken. He reminded everyone that this is a closed record hearing, and no new testimony can be introduced. He read aloud the list of those who spoke at the open record hearing.

Council Member Tierney wondered if Council Member Sample would need to leave the room after recusing himself.

City Attorney Noe responded that he could remain, but would be unable to vote.

Council Member Sample stated that he recused himself, and that he had no further statements to make.

Community Planner Durant addressed M – 1. He reviewed the application for Somerset II, including a description of the subdivision, lots sizes, and the request for approval of a private road, then went through the Hearing Examiner's recommendation and twenty-five conditions. He requested that Council adopt the Hearing Examiner's decision to approve the preliminary plat, but approve the private road in the configuration proposed rather than the Hearing Examiner's suggested version.

Council Member Tierney asked how the private road related to items ten and eleven of the conditions.

Community Planner Durant responded that, if Council adopted condition ten, which is most relevant, they would be imposing a higher standard than the twenty foot minimum required. He noted that it does say that the private street shall be approved by the Public Works Director and that some standard will have to be presented as part of the final plat approval.

Council Member Ritchie pointed out a lack of sidewalks and curbs.

Community Planner Durant replied that those are required on public streets, but he didn't feel that a twenty foot road would be wide enough for a curb and still comply with Fire Codes.

Council Member Ritchie read aloud a definition of a street per City Code, saying that she thinks the code required sidewalks on one side of the street whether it is public or private.

Community Planner Durant remarked that the whole issue comes down to private streets being prohibited unless certain standards are met, but the City has no private street standards.

Council Member Williams stated that the information provided in their packets was incomplete.

Mayor Gawlik requested that she explain her comment.

Council Member Williams said that it pertains to the overall ability to make a determination in this case. She noted some missing pages in the packet, and added that they were given a CD to listen to that she was unable to hear because it required a special program to do so.

Mayor Gawlik asked who prepared the packet.

Community Planner Durant replied that it was Public Works staff.

Council Member Williams asked if information to help them understand what residential road standards would be could be included as well.

Community Planner Durant responded that those weren't provided as an exhibit during the hearing, simply referenced by the Hearing Examiner in his decision, which is why they weren't included.

**Council Member Williams expressed her frustration with trying to make a decision with incomplete information.**

Public Works Director Henne observed that the road standard referenced in condition nine is the fifty foot right of way per public road standards.

Council Member Williams asked if there was a separate standard for limited access roads.

Public Works Director Henne responded in the negative, adding that SRA 23 is designated as limited access, which is typically one per parcel unless they have frontage on a secondary street.

Mayor Gawlik polled the Council to determine how many had the opportunity and ability to listen to the disc. Council Member Tierney was the only individual who had listened to the disc provided.

**Council Member Tierney moved, and Council Member Smeback seconded, to set the matter aside until they have written minutes of the Planning Commission relative to this matter, along with a complete packet, so that they can act on it accordingly.**

Mayor Gawlik wondered if he meant a transcription of the disc.

Council Member Tierney replied in the affirmative.

City Attorney Noe stated that, if Council is going to conduct a closed record hearing, they need to have all information, and all exhibits need to be provided.

Council Member Schmid remarked that this has been a concern for many years, and that sometimes the Council is their own worst enemy in trying to get something through without all the information. He felt it was uncalled for to receive something that thick the Friday before a Council Meeting. He suggested that it be provided to them at least a month prior, to allow sufficient time to review it.

Community Planner Durant noted that they were waiting for the Hearing Examiner's recommendation, which takes approximately two weeks after the hearing to be provided to them.

Mayor Gawlik recommended that Council give back their packets to allow staff to review them and include any missing documentation.

**Council Member Tierney felt that a narrative disc was more difficult than having minutes from the Planning Commission meeting to review.**

Mayor Gawlik inquired if he was requesting a full transcript.

Council Member Tierney responded in the affirmative.

Executive Assistant Lake asked for clarification as to whether he meant a full transcription or the minutes of the meeting in question.

Mayor Gawlik asked Council if they wanted the expense of a true transcription.

Council Member Smeback commented that they took these matters from the Planning Commission and gave them to the Hearing Examiner due to his level of expertise, and that they are now second guessing his recommendation. He felt that a transcription wasn't necessary, just the minutes from the meeting.

Community Planner Durant stated that the Planning Commission didn't hear this case; the disc was submitted by a citizen into the record during the Hearing Examiner's hearing.

City Attorney Noe observed that there is no record of either the minutes or the Hearing Examiner's hearing.

Community Planner Durant indicated that he was correct.

City Attorney Noe remarked that the Council should be provided minutes, a transcript, or a CD of the Hearing Examiner's hearing.

Council Member Ritchie said that she would be satisfied with minutes instead of a transcript.

Council Member Williams wanted a way to listen to the disc, saying that she tried to do so at City Hall.

Executive Assistant Lake explained what had transpired the previous day, when Council Member Williams visited City Hall.

Mayor Gawlik noted that it was a four to one decision regarding the minutes.

Executive Assistant Lake clarified that Council chose minutes not a complete transcript.

Mayor Gawlik called for the vote.

**Roll was called: Council Member Tierney – yes; Council Member Smeback –yes; Council Member Schmid – yes; Council Member Sample – recused; Council Member Williams – yes; Council Member Ritchie – yes. Motion passed with five yes votes and one recusal.**

Wayne Worby approached the podium and addressed the Council. He said that he was unaware he would be limited to two minutes, and felt that it was unfair to have Community Planner Durant present his side without a limitation. He hoped that more time would be allocated next time.

Mayor Gawlik stated that he follows the directive of the Council.

Mr. Worby asked the Council to give a little more time to those who come to speak, saying that he should be accorded more than two minutes.

Mayor Gawlik responded that the opening remarks by Community Planner Durant were for Council's benefit.

**Council Member Sample rejoined the meeting.**

**N. Ordinances**

1. Ordinance Authorizing the Acquisition of Personal Property and Execution of a Financing Contract and Related Documentation Relating to the Acquisition of Said Property

Public Works Director Henne addressed N – 1. He said that these documents are part of the energy program project, which will allow the Washington State Treasurer to sell bonds for the purpose of loaning both the City and those other agencies participating in the program.

Council Member Williams thanked him for what he's doing and requested that he explain the repayment of these funds.

Public Works Director Henne briefly outlined the list of what will be done and the funding sources for the project, as stated at prior meetings.

**Council Member Schmid moved, and Council Member Tierney seconded, to approve the Ordinance Authorizing the Acquisition of Personal Property and Execution of a Financing Contract and Related Documentation Relating to the Acquisition of Said Property. Roll was called: Council Member Tierney – yes; Council Member Smeback –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.**

**O. Reports/Announcements**

1. Mayor

Mayor Gawlik had no report.

2. Council Members

Council Member Ritchie had no report.

Council Member Sample said that the Selah Park & Recreation Service Area Board (SPRSA) met yesterday for a teleconference talk with the bond attorney to discuss the bond issue, and that they will meet again next Monday to review the costs for the three proposals and how much the bond issue should be. He remarked that the Selah Downtown Association is working with the City and the Selah Chamber of Commerce on the branding and marketing program.

Council Member Tierney had no report.

Council Member Smeback gave a shout out to those who put together the July 3rd celebration, saying that it was a very well-attended event.

Council Member Williams echoed his comments regarding the July 3rd event. She stated that the next SPRSA meeting will be Monday at 5pm, at the Civic Center, and that they will schedule another meeting at that time.

Council Member Schmid observed that it's nice to be out and about.

### 3. Departmental

Deputy Police Chief Steen had no report.

Fire Chief Hanna said that they are ninety percent done with both the annual hose testing and hydrant maintenance within the City. He noted that both vehicle chassis have been delivered to the builder, with a projected completion date of September. He stated that they have been busy with calls, although the countywide burn ban has slowed things down a bit.

Recreation Manager Brown said that the pool is operating well; they'll be doing some crack repair tonight which shouldn't interfere with swim lessons in the morning. He noted that the bond issue for the new pool will be the topic of discussion at the next SPRSA meeting.

Council Member Williams inquired what they were waiting on to proceed with Volunteer Park.

Recreation Manager Brown responded that the agreement still needs to be signed; the State is running a bit behind schedule.

Clerk/Treasurer Novobielski said that the June sales tax revenues for June came in at approximately eighty seven thousand, which puts the City at sixty percent of what was budgeted. He estimated that there could be roughly seventy-five thousand over budget by year's end.

Community Planner Durant said that the draft of the new Planned Development Ordinance will go before the Planning Commission next week.

Mayor Gawlik asked if it was posted on the City's website.

City Administrator Wayman responded in the affirmative, saying that what is posted is a draft for the public to review, which includes notes from the consultant. He commented that it's a good start for the Planning Commission to craft a new Ordinance.

Mayor Gawlik noted that this is the first step in a three step process, and that the second draft will be posted online in a couple weeks. He went on to say that the final draft will be presented to Council for approval, and that he's excited to have an Ordinance that is easier to read, with pictures and diagrams of what is acceptable and what is not.

Public Works Director Henne said that East Goodlander Road has been paved, and he did a walkthrough with the contractor last week. He remarked that the Wernex Loop sidewalk and curb is in, along with most of the paving, and a walkthrough of the project is scheduled for tomorrow afternoon.

Council Member Tierney thanked him and City Administrator Wayman for the no parking signs on Goodlander Road.

City Administrator Wayman commented that next month will be leading into the budget. He commended the City's two Code Enforcement officers for their efforts in enforcing City codes around town.

City attorney Noe had no report.

4. Boards None

Council took a ten minute recess.

P. Executive Session

1. 15 Minute Session - Public Employee Performance Review RCW 40.30.110(g)

Council went into Executive Session at 5:43pm. At 5:58pm, Council went back on the record. Mayor Gawlik stated that they would be extending the Executive Session for an additional 15 minutes.

Council went back into Executive Session at 5:59 pm. At 6:14pm, Council went back on the record. Mayor Gawlik stated that they would be extending the Executive Session for an additional 15 minutes.

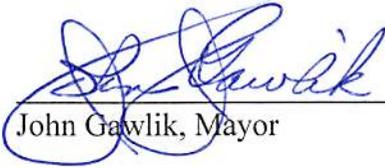
Council went back into Executive Session at 6:15pm. At 6:30pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

**Council Member Tierney moved, and Council Member Smeback seconded, to authorize City Administrator Wayman to negotiate a contract for Public Defender with Hurst and Brumback, at a maximum rate of \$4850 per month, with similar financial impact to the Prosecutor, to run to the end of the current calendar year and the be re-negotiated. Roll was called: Council Member Tierney – yes; Council Member Smeback –yes; Council Member Schmid –yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote approval was unanimous.**

Q. Adjournment

**Council Member Tierney moved, and Council Member Sample seconded, that the meeting be adjourned. By voice vote, approval was unanimous.**

The meeting adjourned at 6:33pm.

  
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John Gawlik, Mayor

EXCUSED

\_\_\_\_\_  
Paul Overby, Council Member

  
\_\_\_\_\_  
Dave Smeback, Council Member

  
\_\_\_\_\_  
Roy Sample, Council Member

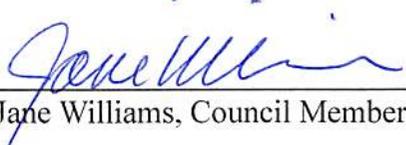
  
\_\_\_\_\_  
Laura Ritchie, Council Member

ATTEST:

  
\_\_\_\_\_  
Dale E. Novobielski, Clerk/Treasurer

\_\_\_\_\_  
John Tierney, Council Member

  
\_\_\_\_\_  
Allen Schmid, Council Member

  
\_\_\_\_\_  
Jane Williams, Council Member