City of Selah
Council Minutes
July 14, 2020

Regular Meeting
Electronically Via Zoom
115 West Naches Avenue
Selah, WA 98942

A. Call to Order — Mayor Raymond called the meeting to order at 5:30 pm.

B. Roll Call

Members Present: Jacquie Matson; Clifford Peterson; Roger Bell; Christopher Lantz; Russell Carlson; Suzanne Vargas

Members Absent: Kevin Wickenhagen

Staff Present: Donald Wayman, City Administrator; Rob Case, City Attorney; Gary Hanna, Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; Andrew Potter, Human Resources Manager; Treesa Morales, Recreation Manager; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse

**Council Member Peterson moved, and Council Member Carlson seconded, to excuse Council Member Wickenhagen. By a show of hands, approval was unanimous.**

D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

E. Invocation

Pastor Jason Williams gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/Presentations **None**

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

I. Communications

1. Oral **None**

2. Written

a. Recycling Data Report for the 1st Quarter of 2020

J. Proclamations/Announcements **None**

K. Consent Agenda

**Council Member Bell moved to approve the agenda.**

Council Member Carlson requested that Resolution N – 4 be removed from the 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: June 9, 2020 Council Meeting and June 24, 2020 Special Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 83597 – 83613 for a total of $223,523.94
Payroll Checks Nos. 83614 – 83633 for a total of $296,765.36
Payroll Checks Nos. 83634 – 83704 for a total of $245,121.22
Claim Checks Nos. 74986 – 75054 for a total of $177,830.91
Claim Checks Nos. 75055 – 75141 for a total of $643,502.98

* 3. Resolution N – 1: Resolution declaring Fire Department Property as Surplus and Authorizing Its Disposal

* 4. Resolution N – 3: Resolution Accepting the Well No. 6 and Zone 3 Pump Station Rebuild Project, as Complete and Accepted

**Council Member Bell moved, and Council Member Carlson seconded, approval of the amended Consent Agenda. By voice vote, approval was unanimous.**

L. Public Hearings **None**

M. General Business

1. New Business **None**

2. Old Business **None**

N. Resolutions

* 1. Resolution declaring Fire Department Property as Surplus and Authorizing Its Disposal

2. Resolution Authorizing the Mayor to sign a Construction Contract between the City of Selah and Lewis Surface Development Co. Yakima Washington, for the Crack Repair and Resurfacing of Eight Tennis Courts at Carlon Park

Public Works Director Henne addressed N – 2. He said that this Resolution was to authorize the Mayor to sign a construction contract for crack repair and resurfacing of eight tennis courts at Carlon Park. He explained that they had two companies look at the courts and bid on the project, one from Spokane and one local, and that the local one was the low bid. He requested that Council approve the contract.

Council Member Matson remarked that in looking at the processes and comparison of prices, repair using the Rite Way crack repair system was seventeen dollars per lineal foot versus the other system at two dollars and seventy-nine cents per lineal foot. She inquired if there were two types of courts.

Public Works Director Henne answered that they were the same type, but the north courts require removal of the existing patching material, the cracks to be cleaned out and filled with filler, then resurfaced and new color applied, while the south courts are in relatively decent shape.

Council Member Matson commented that in looking at the cost outlines for them one says Rite Way crack system and the other says crack repair.

Public Works Director Henne responded that there are cracks in the courts that have to be repaired, then the courts need to be resurfaced and have color applied, and the cracks along the fence and between the courts get blown out and a caulking type material applied.

Council Member Matson wondered it that was the other four.

Public Works Director Henne replied that along the fence they don't require coloring, just fill with caulking, as it's not a playable area.

Council Member Matson reiterated that the second line for one set of courts shows seventeen dollars per lineal foot, while the other set of courts is two dollars and seventy-nine cents per lineal foot.

Public Works Director Henne answered that the south courts don't have the fiberglass repair that was done on the north courts, which would require the filler material and surfacing sheet removed and sanded down before the resurfacing could be done. He noted that for the south courts they would simply be providing filler material and surfacing color applied on top.

Council Member Matson thanked him for the clarification.

Council Member Carlson observed that they normally get comparable side by sides and an engineer's estimate.

Public Works Director Henne responded that there wasn't an engineer involved. He met with both contractors onsite and simply listed the second one on the AIS, as they would have used the same materials and manufacturer.

Council Member Carlson asked if they had a projected budget.

Public Works Director Henne replied that Council had discussed this some time ago, and that Recreation Manager Morales was instructed to move forward to this point with the project. He went on to say that Recreation Manager Morales, Public Works Utility Supervisor Jones and himself met onsite with two contractors, and he was presenting Council with the low quote.

City Administrator Wayman remarked that they discussed the issue during budgeting and Council had agreed to hold off on putting it into the budget until later in the year.

Council Member Peterson felt it wasn't clear whether all eight courts would be finished the same.

Public Works Director Henne answered him in the affirmative.

Council Member Peterson pointed out that currently half the courts are blue, and half are green. He wondered if they would look the same or be two different colors when done.

Public Works Director Henne responded that they would all be the same color, with additional lines for pickleball on the south four courts.

Council Member Peterson inquired as to a timeline and how long the courts would be unavailable.

Public Works Director Henne replied that it needs to be done while the temperature is relatively warm, and that he asked Recreation Manager Morales to contact the company to confirm the length, which he believes would be sixty days.

Council Member Peterson commented that they were usable at present but during the resurfacing no one will be able to use the tennis courts, asking if they were talking a week, two weeks, or a month.

Public Works Director Henne answered that it would be about sixty days, briefly outlining the steps to be taken. He noted that he was informed that the high school would not be playing tennis this year.

Council Member Peterson wondered if the use agreement between the City and the School District would come into play at all.

Public Works Director Henne responded that was brought up last year during budget talks, and it was decided then that the School District would maintain theirs, and the City would do the same.

City Administrator Wayman added that the School District reminded them that their tennis teams are being impacted by it. He said that people won't be able to play on it for sixty days, but then it will be done and in use.

**Council Member Bell moved, and Council Member Matson seconded, to Approve the Resolution Authorizing the Mayor to sign a Construction Contract between the City of Selah and Lewis Surface Development Co. Yakima Washington, for the Crack Repair and Resurfacing of Eight Tennis Courts at Carlon Park. Roll was called: Council Member Matson – yes; Council Member**

**Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Lantz – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

* 3. Resolution Accepting the Well No. 6 and Zone 3 Pump Station Rebuild Project, as Complete and Accepted

4. Resolution establishing August 11, 2020 as the date to conduct a public hearing to consider the vacation of a portion of North First Street right-of-way lying north of West Bartlett Avenue requested by the Selah School District

Community Development Supervisor Peters addressed N – 4. He said that this Resolution established August 11, 2020 as the Date to conduct a public hearing to consider the vacation of a portion of North First Street right-of-way lying north of West Bartlett Avenue requested by the Selah School District. He referred Council to the background information provided in the packet, saying that per State law whenever a member of the public has requested a right of way vacation the City has to consider the right of way vacation petition. He went on to say that this was the first step in the process, and that they would then notify property owners, post signage, and start preparing documentation to be presented to Council at the Public Hearing. He noted that there was no obligation on the part of the City to approve the right of way vacation, and it was simply a Public Hearing like any other.

Council Member Carlson inquired if they knew if they were going to replace that parking elsewhere and where the location would be.

Community Development Supervisor Peters replied that they were moving the sidewalk out to take away the bus parking area and expand landscaping into that area, with additional parking just on the inside of that along with a bus lane and another lane of travel to bring parents into the parking lot, similar to the middle school.

Council Member Matson remarked that the date for the hearing was August 11 and wondered if it would be held via Zoom if they were unable to meet in Council Chambers at that time.

Community Development Supervisor Peters responded in the affirmative, saying that they would post on the website if it would need to be done via Zoom.

Council Member Matson thanked him for the answer.

**Council Member Matson moved, and Council Member Carlson seconded, to Approve the Resolution establishing August 11, 2020 as the date to conduct a public hearing to consider the vacation of a portion of North First Street right-of-way lying north of West Bartlett Avenue requested by the Selah School District. Roll was called: Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Lantz – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

5. Resolution Authorizing the Mayor to sign a Construction Contract between the City of Selah and Ken Leingang Excavation, Inc. to provide Construction Services for the Taylor

Ditch Outfall Pollution Reduction project, Department of Ecology Project No. WQC-2017-SelahPW-00101

Public Works Director Henne addressed N – 5. He said that this is a Resolution to sign a construction project for the Taylor Ditch Outfall Pollution Reduction project, which was a seventy percent Ecology grant to treat stormwater from north Wenas Road lying north of North Park Drive and to treat stormwater from the High School parking lot, as those two areas enter into the Taylor Ditch and out to the Yakima river

Council Member Peterson commented that the project cost was listed as two hundred thirty-eight thousand, with another forty-seven thousand in engineering, of which the City is paying thirty-two thousand, and the Selah School District thirty-five thousand. He asked if the remaining two hundred eighteen thousand was coming from the Department of Ecology (DOE).

Public Works Director Henne answered in the affirmative, adding that the Selah School District was responsible for the amount listed in Schedule B.

Council Member Peterson remarked that they have a history of watering the roadway when there are heavy rains, and wondered if this would have any impact on that and other possible water, or if it would make it worse because it was going through a pre-treatment stage. He inquired if it would slow the water flow down, speed it up or have no effect.

Public Works Director Henne replied that it should be a net zero on anything south of Taylor ditch, as that would still go into City's stormwater treatment system.

**Council Member Carlson moved, and Council Member Peterson seconded, to Approve the Resolution Authorizing the Mayor to sign a Construction Contract between the City of Selah and Ken Leingang Excavation, Inc. to provide Construction Services for the Taylor Ditch Outfall Pollution Reduction project, Department of Ecology Project No. WQC-2017-SelahPW-00101. Roll was called: Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Lantz – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

O. Ordinances

1. Ordinance providing for the annexation of certain real property by the City of Selah, Washington, and incorporation the same within the corporate limits thereof and zoning said real property, Business, General

Community Development Supervisor Peters addressed O – 1. He briefly reviewed the history of the annexation, saying that the Boundary Review Board had finished their review and authorized the City to complete the annexation process. He said that adoption of this Ordinance would complete the annexation, with the property retaining its Business General zoning, and it would allow applicants to submit applications to the City of Selah for development.

Council Member Carlson asked for clarification that it would be zoned B-1.

Community Development Supervisor Peters replied in the affirmative.

**Council Member Matson moved, and Council Member Lantz seconded, to Approve the Ordinance providing for the annexation of certain real property by the City of Selah, Washington, and incorporation the same within the corporate limits thereof and zoning said real property, Business, General. Roll was called: Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Lantz – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

2. Ordinance Amending the 2020 Budget for the Redevelopment of Well No. 7

Clerk/Treasurer Novobielski addressed O – 2. He stated that this was an Ordinance to amend the 2020 budget for redevelopment of Well 7, saying that last September Council approved a contract to evaluate Well 7, and that Public Works had determined that the total cost for the current year will be three hundred thirty thousand, pf which one hundred eight thousand five hundred was a grant from DOE, with the remaining funds coming from Water Reserve Fund 461.

**Council Member Bell moved, and Council Member Peterson seconded, to Approve the Ordinance Amending the 2020 Budget for the Redevelopment of Well No. 7. Roll was called: Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Lantz – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

3. Ordinance Amending the 2020 Budget for Police Interview Room Recording System

Clerk/Treasurer Novobielski addressed O – 3. He said that this Ordinance was to amend the 2020 budget for a police interview room system, as the one in place was no longer working. He explained that Police Chief Hayes had four or five different quotes ranging from five thousand four hundred to twenty thousand and requested a budget adjustment for the lowest amount.

**Council Member Carlson moved, and Council Member Lantz seconded, to Approve the Ordinance Amending the 2020 Budget for Police Interview Room Recording System. Roll was called: Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Lantz – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Public Works Director Henne said that the West Goodlander project is essentially completed, and that once the punch list is done he would bring it to Council for acceptance of completion. He went on to say the grind and overlay, road widening, and sidewalk on West Goodlander would start on July 20, with a

thirty-day construction window, the Taylor Ditch pollution prevention project was scheduled to start August 10 with a thirty-day construction period, tomorrow and he would contact the tennis court resurfacing company and tell them to get started. He commented that they haven't received a request for a final walkthrough on south Third Street for the Lince School project, but Public Works Utility Supervisor Jones and HLA were both reviewing civil plans for the new John Campbell school project. He finished by saying that DOT would start doing some grinding and patching on south First Street up to Jim Clements Way next week.

Fire Chief Hanna said that training with career and volunteer members has been on hold and created a few issues for them, but they would work their way through it. He went on to say that as manufacturing has opened back up again, they have been moving forward on projects such as the new command vehicle, remount of the rescue unit with a completion date of around September 1, and the brush truck conversion of an older duty vehicle. He remarked that they completed servicing of the fire hydrants throughout the City and were just about finished with annual hose testing. He commented that on the Fire District side they have a have building project in the infancy stages, and hope to have some new paint on the downtown station. He finished by saying that the disinfecting machine had been backordered but they hope to see it within the next week or so, and that Deputy Fire Chief Lange had received FEMA funding to cover almost twelve thousand of the fifteen thousand dollars to purchase.

Community Development Supervisor Peters said that the Planning Department was slowly starting to pick back up due to lessened restrictions, with the building community submitting more and more permits. He remarked that they have caught back up revenue-wise for projected income, with several big permits expected soon. He went on to say that they have been working on Comprehensive Plan updates with Gregg Dohrn, the shoreline master program update is expected sometime between September and December, HLA and Public Works have been working on a water plan update, and he has been working on revising public notice requirements to comply with State law.

Recreation Manager Morales said that the food bank has been operating with increased numbers, and there is another blood drive coming up. She informed Council that SHARES gave her notice that they have been closed indefinitely at this point.

City Administrator Wayman asked what they were doing with all the clothing.

Recreation Manager Morales not ours to dispose of, SHARES will be taking to other clothing places throughout valley

City Administrator Wayman wondered if there would be additional space for the food bank to expand.

Recreation Manager Morales replied in the affirmative.

Mayor Raymond asked if she knew the reason why they closed.

Recreation Manager Morales answered that they had problems transitioning but she also thinks they were just out of space with the amount of stuff and the number of people coming through. She noted that she has been working on new programs to hopefully engage the community in other ways beyond regular recreation programs.

City Attorney Case had no report.

2. Council Members

Council Member Matson had no report.

Council Member Bell gave a brief update on the aquatic facility, which only has a few minor items to be completed, saying that their permit to open was withdrawn the following day due to the current phase Yakima County is in. He read aloud the following statement and motion:

Whereas Chief Hayes has indicated that the Selah community has experienced a higher call volume for drug overdose, suicide and domestic violence over the past several months;

And Whereas several community members have expressed the desire to elevate the general awareness within the Selah area of these issues;

And Whereas at least one Selah family is directly and visibly involved with raising funds in support of these issues;

I therefore make the following motion: that the City Staff be directed to bring back to our next Council meeting a resolution asking the citizens of Selah to educate themselves on the seriousness and frequency of drug overdose, suicide and domestic violence; and to encourage all citizens to actively become involved with addressing them within our community where possible.

**Council Member Council Member Lantz seconded the motion. Roll was called: Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Lantz – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

Council Member Lantz thanked his fellow Council Member Bell for bringing that up, saying that Council Member Peterson has brought that up a few times and he has also had conversations about it. He remarked that the amount of contact via emails he has received has been a bit overwhelming. He had a conversation with Dan Peters from the Selah School District and will be talking to others in the community. He acknowledged that people were running out of patience, and felt that discussion might lead to a panel of people who can rotate out as a sounding board for these types of tough situations.

Council Member Carlson gave an update on the Selah Downtown Association, saying that the projects are moving along and mostly finished. He asked if the Clerk/Treasurer was still online to provide an update on the status of the Marudo property tax, when they expect to have full collection of funds, and when it would sunset.

City Administrator Wayman replied that the bonds won't mature until 2022, and whether they have enough money collected will depend on how well they do on taxes at the end of the year. He went on to say that the projection is approximately October, and as soon as they have collected enough funds for the bond they would notify Council and put it on the agenda to be sunsetted as promised.

Council Member Peterson said that he and Mayor Raymond attended a roundtable discussion last week, to which he invited anyone who wished to open a dialogue to talk substance. He went on to say that they met with representatives of the Selah School District and members of community, including the organizers of some protests, and the two big things that came of it were opening a dialogue and committing to continue that dialogue and try to bring the community back together.

Council Member Vargas said that the Red Cross has an urgent need for blood, and they are offering COVID 19 anti-body testing for those who donate. She commented that Brian Harris was doing a fundraiser for YWCA and domestic violence in honor of his daughter Emily and encouraged people to check out his creative way to raise funds.

**Council Member Vargas moved to allow for public comment immediately following Council comments and then at its normal location at our Council Meetings going forward.**

Mayor Raymond requested that Executive Assistant Lake reply.

Executive Assistant Lake said that there are some logistics to address with regard to public comment during virtual meetings. She remarked that she, the Mayor and Human Resources Manager Potter had been discussing a different forum for elected officials and citizens to have an interaction and discussion, which the Mayor would talk about later in the meeting.

City Administrator Wayman commented that they were looking at a town hall meeting with the Mayor and a limited number of council members per session to be available to listen to comments and questions and be able to respond in a way that won't interfere with business. He noted that this was a business meeting, and opined that a town hall type meeting was a better venue for that.

Council Member Vargas expressed interest in a town hall type meeting, but would be interested in that but also wished to allow public comment during regular meetings, as she felt it was really valuable for elected officials to hear from citizens. She thought it could be achievable in the same way as they have done with the public transit hearing.

Mayor Raymond replied that she would like to try the townhall next week and see how that works out, and that she was hopeful they might be able to meet in person by next month.

Council Member Vargas responded that it wouldn't replace public comment in a Council Meeting for her, and didn't satisfy what she was looking for with regard to public comment.

Mayor Raymond asked that she clarify the difference between public comment and a town hall where they could get answers from the Mayor or Council Members.

Council Member Vargas answered that all Council Members couldn't be present, and that was a factor for her.

Mayor Raymond remarked that they wouldn't have just one meeting, but would rotate out Council Members.

Council Member Vargas thought that public comment was useful and had its own merits as well.

Council Member Carlson inquired if this was being done elsewhere using zoom and public comment for meetings.

Council Member Vargas answered in the affirmative.

Mayor Raymond responded that she didn't know.

Council Member Carlson commented that if it was legally and appropriately being done in other communities, he didn't see why they couldn't adopt a similar scenario, but he requested verification from other cities as to how they were conducting public comment.

Executive Assistant Lake addressed Council Member Carlson's comment, saying that she had talked with a couple jurisdictions in the past about public comment, and the one that was allowing public comment required that those who wished to speak contact the City Clerk prior to the meeting, and were given a set amount of time to speak during the meeting when acknowledged.

**Council Member Vargas amended her motion to follow a similar format beginning at the next Council Meeting.**

Mayor Raymond requested that they give Executive Assistant Lake some time check into that and see how it's going for other jurisdictions before they commit to it.

Council Member Vargas inquired if she was speaking legally, or what she meant.

Mayor Raymond replied so that they can see how it interrupts their business meeting.

Council Member Vargas opined that it wouldn't be an interruption more than what they normally allow during in person meetings.

Mayor Raymond said that there are so many different opinions and divisions in the City right now, and that having a town hall where they could discuss matters rather than tying up time in a business meeting would be her concern.

Council Member Vargas felt that if they were opening a town hall in conjunction with it that people could also speak up during meetings regarding matters not discussed during the town hall.

Mayor Raymond suggested that they do not commit to it tonight, but she would talk with staff and get back to Council before the next meeting.

Executive Assistant Lake said that, with regard to setting it up, it should only take a couple days to reach out to other jurisdictions to see how they are handling public comment. She pointed out that the Governor's Proclamation that suspended portions of the Open Public Meetings Act and Public Records Act clearly stated that meetings held by jurisdictions were to be for essential conduct of business, which

was why some regular agenda items were removed, including public comment. She noted that public comment was not required under State law, but instead is up to each jurisdiction whether they wish to provide for it during their meetings.

3. City Administrator

City Administrator Wayman no report

4. Boards **None**

5. Mayor

Mayor Raymond reminded Council Members to stop by City Hall and sign papers. She said that the town hall meeting was tentatively set for next Tuesday, and that information would be available on the City's website. She stated that it wasn't a time for media or a forum, but a time for citizens to share their concerns. She expressed hope that it would alleviate some concerns that the City wasn't addressing public comments and concerns, and noted that she had checked with WCIA regarding training for promoting a workplace free of harassment. She added to Council Member Peterson's remarks about their meeting with the SSD and members of the community, saying that she was reviewing what their requirements were and what they want of the City. She said that, with regard to a code of conduct for Council and employees, the Council already has a code of conduct, although there is no code of conduct out there for employees. She added that City Attorney Case had looked at other cities and they don't have a code of conduct. She asked Council Member Carlson if he wished to write up a code of conduct with what he wanted to say.

City Attorney Case remarked that the Mayor referenced a draft started in a prior year that originated from the City of Sunnyside, and that it was for Council Members, not employees. He thought that Council Member Carlson was asking for a code of conduct for employees, which came up in reference to only one employee, City Administrator Wayman, and as he was unsure what the Council Member might want as far as a code of conduct for some or all employees, he didn't have enough guidance to go about drafting such a thing. He opined that a code of conduct can be tricky, as employees have rights to express opinions, but if the majority of Council still wants something like this then perhaps they could send the information to him or to each other, without violating the OPMA. He warned that if their desire for a code of conduct was to prohibit some opinions that would be hard to draft.

Council Member Peterson remarked that he wondered if it would be covered in a review of personnel policies, as they have a number of department heads who do employee evaluations, and did they have standards in personnel policies that address how they expect employees to interact with the community in a manner that was consistent from one employee to another no matter which department. He was anxious to see a code of conduct because it didn't sound like what he was asking about anyway.

City Attorney Case replied that some of the some workforce is union, some is not, and the union situation was more difficult to change, with things specified in contracts. He didn't know with regard to non-union employees, but noted that there had been a couple times that a department head brought a matter to Mayor Raymond, City Administrator Wayman or himself and a decision was made there. He opined that they might be borrowing trouble, and asked if Council wanted something universal or

something that addresses the recent situation. He added that if it was only in regard to one worker that would potentially have to be a renegotiation of that worker's contract.

Council Member Carlson stated that it wasn't an email he sent, but a motion, second and unanimous vote to bring a code of conduct to this meeting. He said that in terms of who this covers, there was a reason he specified Mayor, Council and staff, as they all deal with situations where they have a high level of expectations from the community due to the positions they hold in terms of words and actions, and that they weren't free from the consequences of things they say or do. He reiterated that it was a motion from the entire Council, and that the latest event was one of but not the only motivating factor.

City Attorney Case responded that he was wanting him to write whatever he thinks the rules should be.

Council Member Carlson commented that he had never seen the code of conduct for Council Members, and that he was open to discussion on how to apply a code of conduct for staff and elected officials, pointing out the irony of a code of conduct only directed at Council members and not for the staff.

City Attorney Case replied that his understanding was that Council was seeking a Code of Conduct that would apply to employees and possibly the Council as well, and that the draft mentioned was just for Sunnyside Council Members between themselves, which meant there was no prior document that applies to employees to bring forward.

Council Member Carlson stated that his motion was for a rough draft, voted on by the Council, and not only did it not make the agenda, not even the Sunnyside Code of Conduct make the agenda.

City Attorney Case responded that he was explaining the reason and that Council was welcome to see the Sunnyside version. He reiterated that he didn't know what they wanted terms for employees unless they were wanting him to create one.

Council Member Carlson answered that his motion was staff as all-inclusive and to bring a draft to Council for input.

Council Member Lantz City inquired if the City had an employee handbook.

Mayor Raymond answered in the affirmative.

Council Member Lantz requested to see it.

City Administrator Wayman commented that it doesn't address political speech or when it's appropriate to speak.

Council Member Lantz understood but felt if they had something to start with as a good faith foot forward it wouldn't hurt to have that anyway.

City Administrator Wayman said that he wouldn't classify it as a code of conduct.

Council Member Lantz agreed, but said that it would give them some documentation as a basis.

Human Resources Manager Potter asked if Council like a brief description of what it includes.

Mayor Raymond answered in the affirmative but let Council Member Matson speak first.

Council Member Matson remarked that her request was the same as Council Member Lantz regarding an employee handbook. She asked City Attorney Case if they could have a copy of the Sunnyside Code of Conduct to review for council to have input for the next meeting.

City Attorney Case asked if Executive Assistant Lake had a copy to email Council Members.

Executive Assistant Lake replied in the affirmative, adding that former City Attorney Noe had given it to her when he worked on it years ago.

City Administrator Wayman noted that former City Attorney Noe advised that it was very problematic to go forward with that.

Human Resources Manager Potter explained that the document referred to is the City of Selah Personnel Policies and Rules, which is a forty plus page document that summarizes the employment agreement, contracts and benefits for non-represented employees that lays out many of their benefits and how they are handled, and that while there are several sections that speak briefly to appropriate behavior, in large part the document is a procedural document that has two pages of definitions of types of employees and goes on to explain the procedures by which the City of Selah hires its employees. He said that the section to which Council Member Lantz referred is three pages of drug and alcohol use, which discusses appropriate management and reactions to that and services and support if they need rehab from addiction to drugs and alcohol. He noted that there are several sections that need lengthy adjustment, and he has several annotations on working copies on my desk but would send the current version.

Council Member Lantz thought that would work, as he didn't think any Council Members had seen it.

Council Member Peterson requested that they also include the current Council Code of Conduct.

Executive Assistant Lake stated that it was part of the City's code.

Council Member Peterson replied that was what he was referring to.

Council Member Carlson remarked that they were trying to accomplish a rough draft of what's expected, as there should be expectations of staff to be above reproach and consequences for those choices. He said that it was not about free speech but actions as well, pointing out that school districts have a level of professionalism for their employees. He expressed disappointment that they had nothing when the full Council approved to have it in, and apologized if he didn't speak clearly at the last meeting. He stated that he wants something good that takes care of who they are and what they expect.

Human Resources Manager Potter clarified that the employee handbook does specify procedures and the appropriateness of tiered discipline one should take, but outside lying or stealing he felt it would be difficult to describe what appropriate behaviors are for an employee outside of their working hours.

Council Member Carlson inquired about an employee during working hours.

City Attorney Case thought that certain things could be specified, but the genesis of this was an employee who expressed personal opinions that aren't right or wrong.

Council Member Carlson agreed.

City Attorney Case voiced concerns similar to those of the former City Attorney regarding prior restraint, adding that conduct was easier but opinion-based was a lot dicier. He added that he could try to hash through this to get something subject to a potential vote, but would have comments regarding legal pitfalls.

Council Member Carlson replied that he didn't expect a perfect first draft, as free speech versus actions are very different things. **He moved to request that on July 28 they have an official rough draft of a Code of Conduct or Personnel Policy to get comments from Council.**

City Attorney Case requested a clarification of the motion, saying he assumes it would be brought forth for information not to be acted on.

Council Member Carlson responded that he was correct, it would be as a rough draft only to address and discuss as a Council.

City Attorney Case asked if there was a second.

Council Member Matson wanted to bring forth a suggestion that after we receive copies of the employee handbook and code of conduct that they could entertain a study session instead of moving forward with a motion to implement or have a rough draft, to allow for review or to have suggestions to get everyone talking.

Council Member Carlson liked that suggestion. He amended his to have a rough draft presented by July 28 for information only, and at that time set a study session to review.

Council Member Lantz suggested that they add in there a deadline of Monday July 20 to review and add any notes to allow people to get it done.

Mayor Raymond asked if they would send their suggestions to City Attorney Case.

Council Member Lantz answered in the affirmative, saying that City Attorney Case brings a legal aspect to this, and if he looks at it and feels there are things that wouldn't work he could bring them up at a study session. He wanted to do it right the first time.

Mayor asked City Attorney Case if that would be enough time.

City Attorney Case commented that it was a short time frame.

**Council Member Carlson revised his motion to have a rough draft by July 28 and then do a study session. Council Member Lantz seconded the revised motion. Roll was called: Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Lantz – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

Council Member Peterson wanted to follow up Council Member Lantz's comment, saying that if City Attorney Case wants their responses and suggestions by Monday, when would staff provide them with the information to review to form opinions on Monday.

Council Member Lantz believed that they could do an open review on July 28, and then City Attorney Case could provide reasons.

Council Member Carlson added to also receive a copy of the information that currently exists.

City Attorney Case commented that as an informational item they would typically get that with their packet prior to a Council Meeting.

Council Member Carlson felt that the information should be provided.

Human Resources Manager Potter stated that he would send it out at 8am tomorrow.

Mayor reminded everyone that there is a ballot box at City Hall.

Council Member Bell commented that they received a report a while back that through the Federal CARES act they were awarded a considerable amount of money. He inquired as to an update on what they might be able to do with that and where they were headed.

City Administrator Wayman replied that they were looking at getting some information systems upgrades, perhaps applying it to decontamination equipment for both the Police and Fire Departments, and that his instruction to Department Heads was to be sure it could be directly linked to the virus issue with why they were ordering that particular item, as the guideline is that it needs to be a reasonable request that can be linked to the virus.

Council Member Bell expressed concern about a sunset on receiving funds, as he wouldn't wish that to fall through the cracks.

Council Member Carlson remarked that other communities have chosen to provide business grants with that money, and while there is an obvious need for the City there was also opportunity to help businesses stay afloat and apply for grants.

Mayor Raymond commented that City Administrator Wayman had talked about that earlier in the day.

City Administrator Wayman remarked that they could take it up tomorrow if Council Member Carlson would like to come in and meet with them, adding that there are some cumbersome ties that go along

with that. He added that it could be presented as an option if Council would like a copy of report to review and make a decision about offering money to the community with all ties that are there.

Council took a five-minute recess.

R. Executive Session

1. 60 Minute Executive Session – Potential Litigation, RCW 42.30.110(1)(i)

Council went into Executive Session at 7:32pm. At 8:32pm, Council went back on the record. Mayor Raymond stated that they would be extending the Executive Session for an additional 15 minutes.

Council went back into Executive Session at 8:35pm. At 8:50pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

S. Adjournment

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

The meeting adjourned at 8:51pm.

Sherry Raymond, Mayor

Roger Bell, Council Member

Russell Carlson, Council Member

Jacquie Matson, Council Member

EXCUSED
Kevin Wickenhagen, Council Member

Clifford Peterson, Council Member

Christopher Lantz, Council Member

Suzanne Vargas, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer