City of Selah
Council Minutes
August 11, 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: Kevin Wickenhagen; Jacquie Matson; Clifford Peterson; Roger Bell; Russell Carlson; Suzanne Vargas

Members Absent:

Staff Present: Donald Wayman, City Administrator; Rob Case, City Attorney; Dale Novobielski, Clerk/Treasurer; Jeff Peters, Community Development Supervisor; Andrew Potter, Human Resources Manager; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse **None**

D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

E. Invocation

Human Resources Manager Potter gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/Presentations

1. Katrina Henkle, Selah Downtown Association – Update

Katrina Henkle addressed the Council. She talked about the town halls they've been doing with the Yakima Health District every other Monday on FB live or Zoom, with discussion on things such as COVID numbers in the County and where they need to be to transition to Phase 2, along with answering comments posted on Facebook. She noted that they also have coffee chats via Zoom every Wednesday morning at 8am for an opportunity to ask questions, and encouraged people to join them.

Mayor Raymond commented that she has watched some of the Zoom meetings with the Health District, and expressed her appreciation for Ms. Henkle doing those.

Council Member Carlson remarked that Ms. Henkle has jumped in feet first in her new position with the Selah Downtown Association (SDA), and has done a phenomenal job.

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

I. Communications

1. Oral

Mayor Raymond opened the Public Meeting, reading aloud the rules of conduct stated in the Agenda, and requested that City Attorney Case speak prior to submitted comments being read into the record.

City Attorney Case stated that this is the portion where some public comments would be read, and that of the handful of written comments received by the City, some comments received would not be read tonight as they violate the standards the Mayor just articulated by being slander, fitting either or both definitions of impertinent, and attempting to engage in a Q&A session. He noted that some to be read have questions that may be construed as hypotheticals, and those comments to be read aloud would be done so by Executive Assistant Lake.

Executive Assistant Lake said that there were ten comments submitted, of which seven would be read into the record. She read aloud the following statements provided via the online public comment submission form.

From Colby Rider:

I wanted to share my personal experiences with both Mr. Wayman and Mayor Raymond. I met Mayor Raymond shortly after moving to Selah in 2016. She attended the ribbon cutting for the opening of our wine tasting room in town where she, my wife, son and myself cut the ribbon together! She has always been kind and encouraging and has never given me personally any reason to doubt her leadership as Mayor of the city of Selah! Thank you Mayor! The same goes for Mr. Wayman. I met him at the Selah first annual Hot Rod show where I entered my classic car. He was very nice, easy going and so excited to see the turn out for the show. We love to bring our son to the car show and are so proud to have something like it to look forward to every year in our town! Don has always returned my phone calls when I needed help with issues pertaining to my business and provided me with clear and confident answers to those questions.
He has always been polite, respectful and encouraging toward me and the success of our new business. I have never had a negative experience personally with Mr. Wayman. I respect the man and he has my full support as City Administrator. Thank you.

From Burt & Chris Ross:

I would like to let the council know that my wife and I fully support Sherry Raymond and Don Wayman in their efforts to keep Selah safe and secure from the protests that are consuming our country. Defacing or vandalizing city property is unacceptable and should be prosecuted to the fullest extent of the law. To the city council I say; do not let the political influences of the country ruin our patriotic city. The thousands of military personnel that have sacrificed their lives for our freedom should be a constant reminder of why we hold everyone accountable for their actions, regardless of race, color or creed. All lives matter!!!

From Gabriel Fabian:

My name is Gabriel Fabian and I'm 20 years old.

I was just 13 years old when I realized that this town was different. At 12 years old I moved from California to Selah. Living in California I had a diverse group of friends. It was normal to interact with people from all different cultures. When I got here it wasn't much of a difference when making friends that were white. However, their attitudes towards people of color were drastically different. I was sitting with my group of friends when two of them started making fun of some of my latino friends. When I called them out and said "I'm Mexican too!", they told me I was a "different kind of Mexican". That's when I realized these kids were raised with implicit biases.

Fast forward to High School, and I was prohibited from wearing my rosary, a symbol of my faith. The school security and vice principal at the time told me it was gang related and I would be suspended if I continued to wear it. When my white classmates wore the same type of necklace, they were able to walk freely. The hypocrisy of the situation was that later on they allowed students to wear hate symbols like the confederate flag. I knew at that young age that my rights were being infringed because of the color of my skin.

Now I'm 20 years old. A typical 20 year old would be focussed on their education, girls, video games and work. I should be focused on those parts of my life, but Instead, I'm here in the streets, advocating for social justice. I decided to support the Black Lives Matter movement by drawing a chalk mural in my dead-end street. People in this city decided they disagreed with the statement, and felt entitled to push their beliefs onto me by erasing my chalk and threatening to prosecute me. Despite it's constant removal and the City's insistence that I'm a criminal, I CONTINUE to support BLM with my artwork. I do it because this is the most peaceful way I can protest and show support for the oppressed. I'm showing my city that this message ISN'T going to go away just because they don't agree with it. I experienced DISCRIMINATION first hand, and now I want to make sure that the next generation doesn't have to ENDURE what I've had to. I don't want them to feel "less than".

I am young, I'm still learning and I will make mistakes. I'll continue to make mistakes, because if you don't, you're not growing. Though I'm not perfect, I'm doing my best to make lasting change. That being said, I am certainly NOT "a punk", "a marxist", "a bad actor", "a narcissist", "evil", or "devoid of intellect and reason". I am a young and passionate LATINO activist, who is PROUD to be a person of color. Though my City holds me to such a high standard, they fail to meet that same standard themselves. These are experienced adults who DEMAND respect without any accountability for their own actions. When the City administrator insults residents and an entire movement, It's "Free Speech". When I speak out, it's "Graffiti", "Malicious mischief", and "defamation". Regardless of what label you give me, I'm here to say, we're going to continue to FIGHT for long term equality. It's TIME for change, and it's coming, so get ready.
Thank you for your time, and for helping to educate me, because if it weren't for your IGNORANT MINDSET, I would not have been exposed to this learning opportunity.

Don't forget, that BLACK LIVES MATTER!!

From Sam Johnson:

We are at a time in history where we all must stand together to call out and fight injustice and racism whenever and wherever we see it – regardless of the offender.

While separate cities, Yakima and Selah are inexplicably linked through proximity, relationships, and commerce. Allowing injustice or racism to go unchecked in one city paves the way for injustice and racism to go unchecked in the other. During this moment we must take actions to unite our communities, not divide.

Sherry Raymond, Don Wayman, and Rob Case make no meaningful attempt through their actions or words to unite their community. Instead, they use their platform to hold on to unacceptable old ideals, speak mistruths, and divide. They refuse to make a good faith effort to listen, learn, and grow when confronted by community members with valid concerns and viewpoints and instead try to intimidate or ignore them into silence; and for the first time in their lives it isn't working. It is clear to everyone they are scared of the persistence and diversity of a global movement that holds them accountable and challenges their worldview.

This global movement for equality, justice, and fairness for all will not be silenced and it will not be ignored. We recognize that for this movement to be successful we must first hold our local elected and appointed officials accountable and enact structural changes in our local communities to help enact widespread and structural changes globally.

The Selah Alliance for Equality is standing up and fighting back in Selah and I, as a Yakima community member, am proud to stand alongside my neighbors in Selah. I am asking any Yakima community member who cares about equality, justice, and fairness to join this movement; because when the community of Selah can make meaningful and systemic changes, it makes it easier for the community members of Yakima, of Washington, and of the country to stand together and fight to make meaningful and systemic changes for equality, justice, fairness.

From Lester "Bill" Callahan:

Don Meyers wrote the following in the Yakima Herald-Republic on 8/9/2020:
"The union representing Selah's police officers has asked the city to back down on its crackdown on chalk art. In a July 31 letter, Teamsters Local 760 Business Representative Dave Simmons said the city's targeting pro-Black Lives Matter art after ignoring chalk art previously is straining the relationship between officers and the community they serve to the point where officers are considering leaving the department. And, Simmons said, it could expose officers to potential legal liability for enforcing an unconstitutional order. The U.S. District Court for Eastern Washington found in 2013 that the state's malicious mischief statute did not extend to people writing with chalk on public walkways.

"Because of the potential individual liability to officers for a constitutional violation in the course of employment, the union requests that the city provide an explanation as to how it would constitutionally and statutorily distinguish its directive to criminally investigate and report individuals who use chalk on public walkways within the city limits to express speech from the scope of the order of the U.S. District Court," Simmons wrote.
Raymond and Wayman did not return phone calls seeking comment on letter.
In a June 30 police report obtained through a public records request, Officer Mathew Lennon described responding to a call at City Hall, where crews were removing chalk art. Lennon described an "upset" Wayman demanding that the artists be arrested, characterizing them as "hooligans and thugs."

When Lennon said the best police could do was issue citations due to coronavirus restrictions at the Yakima County jail, Wayman said "Once they have to pay court costs, they will stop," the report said. Wayman also said, "If (the artists) want a fight, they will get one.""

Is the City of Selah seriously committed to using local police to threaten, intimidate and violate local residents civil rights?!? Surely Don Wayman is aware that these local citizens are people of color and protected under the Civil Rights Act of 1964 literally proving the contention that people are being singled out for their race and their beliefs.

From Richard Ranger:

Why is it city volunteers are being held to a higher standard of conduct than that of a high-paid city officials?

From Bart Roderick:

1) How do you respond to the Selah Police Teamsters Local Union 760's written request to Mayor Sherry Raymond on July 31 asking the city to stop using the SPD as an enforcement unit for it's prohibition against Black Lives Matter sidewalk chalk art, citing legal liability and negative community relations? Is it true that officers have resigned over this issue?
2) How do you respond to the Mayor's inflammatory and actionable public 'calling out' of Jose Rocha during a City council meeting? Are you aware that he has threats against him because of the mayor's carelessness?
3) Why is Suzanne Vargas' picture not posted on the Selah City Council website? Are you intentionally racist and biased? Are you being unduly influenced by Torkleson's opposition to her?
4) Are the Mayor and City Manager cognizant of the number of negative newspaper articles and other reports concerning their attempt to criminalize Black Lives Matter sidewalk chalk art that have been published and broadcast? Will these people resign for singlehandedly turning Selah into a national disgrace?
5) Do you have any communication or evidence, statistical or anecdotal, indicating how many families and businesses who have read about our current situation in Selah in national publications and have decided not to make Selah their home?
6) is there any rational reason why you cannot engage in a civilized and open dialogue with the people in your community who support the Black Lives Matter movement with the goal of coming to a compromise and resolving this simple issue? Are you aware of the disfunction and ineptitude inherent in your policy of accepting emails and comments, and subsequently ignoring them or continuing to respond with the same inflammatory rhetoric? Dialogue implies an ability to listen, respond intelligently, and change behavior or attitude to new information or constituent's needs.

Thanks for your time. Bart Roderick

Having no further comments to be read, Mayor Raymond closed the Meeting.

2. Written **None**

J. Proclamations/Announcements **None**

K. 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: July 28, 2020 Study Session & Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 83705 – 83728 for a total of $293,573.50
Claim Checks Nos. 75196 – 75249 for a total of $192,991.83

Council Member Wickenhagen moved, and Council Member Matson seconded, approval of the Consent Agenda. By voice vote, approval was unanimous.

L. Public Hearings

1. Open Record Public Hearing to consider a petition and Right-of-Way Vacation application for a portion of North 1st Street right-of-way lying north of West Bartlett Avenue requested by the Selah School District

Community Development Supervisor Peters addressed L – 1. He spoke briefly regarding the background and findings on the application for right of way vacation, which would eliminate street school bus and on street parking in front of John Campbell School, toe be replaced with landscaping as part of the reconstruction project. He explained that included in the packet is a Council's Findings document if they wish to approve the petition, as well as a staff report, and requested that they take public testimony and either approve or deny the application. He noted that the approximately forty-seven thousand dollars the City would receive would be dedicated to the Street Fund.

Mayor Raymond opened the public hearing. She asked Selah School District Superintendent Backlund if he wished to speak

Superintendent Backlund responded in the negative.

Council Member Carlson inquired of forty-seven thousand dollars was the value of the property being vacated.

Community Development Supervisor Peters replied in the affirmative, adding that the Selah School District would need to pay the City to have the property dedicated back to them per State law.

Human Resources Manager Potter gave instructions on the open public record hearing to those in attendance.

Seeing no one raise a hand to speak, Mayor Raymond closed the Public Hearing.

Community Development Supervisor Peters requested that a Council Member make the recommended motion to approve the vacation and accept the findings.

Council Member Carlson moved, and Council Member Peterson seconded, to Approve the Right-of-Way Vacation application (ROWV-2020-001) and Petition (2020-001) requesting vacation of a portion of the North 1st Street right-of-way lying north of West Bartlett Ave. (as legally described in the applicant's application and accompanying vacation ordinance), and adopt the attached City of Selah City Council Right-of-Way Vacation Findings of Fact as our own. By a show of hands, approval was unanimous.

M. General Business

1. New Business **None**

2. Old Business **None**

N. Resolutions

1. Resolution Authorizing the Mayor to Sign a Coronavirus Relief Funds Interagency Agreement with the Washington State Department of Commerce

Clerk/Treasurer Novobielski addressed N – 1. He said that before them was a Resolution regarding the City being awarded a coronavirus relief funds grant due to the public health emergency declared in March, and this would authorize the Mayor to sign the Agreement and allow them to continue on with the process. He noted that the grant amount awarded was two hundred thirty-eight thousand, nine hundred fifty dollars.

Council Member Matson asked if any of those funds would be dedicated to mental health awareness programs to promote awareness, and what the funds were being dedicated to.

City Administrator Wayman responded that each department head was compiling a list of projects and/or items that need to be purchased or contracted for to respond to the current coronavirus situation, and when they were done compiling numbers and understanding what the final number were, they would be considering a distribution out to businesses in the City with a commission comprised of members from the Selah Downtown Association (SDA) and the Selah Chamber of Commerce. He went on to say that the funds would be distributed in grant form, with no requirement for them to be paid back to the City, and that the City would be forwarding money through their own reserves with reimbursement from the Department of Commerce. He added that, with regard to mental health or other issues regarding that, they don't have an intent at this time to distribute funds in those areas but are open to suggestions.

Mayor Raymond commented that there is another grant available for mental health issues, and she's been discussing it with Ms. Henkle from the SDA.

City Administrator Wayman remarked that as they don't have medical facilities within Selah right now, it might be more appropriate to partner with the County to contribute to that and follow through to make sure they get a fair share of the distribution of funds.

Council Member Wickenhagen wondered if the Clerk/Treasurer would get a review of how the funds were allocated once it was finished.

Mayor Raymond and Clerk/Treasurer Novobielski both answered in the affirmative.

City Administrator Wayman said that he has been communicating with the Department of Commerce, and there would be a detailed Excel spreadsheet of what the money was spent on and how it relates to COVID expenditures, reviewable by State auditors, Department of Commerce, and the City Council.

Council Member Matson wondered if the City would be applying for the grant, or if the SDA would.

City Administrator Wayman replied that the grant itself would be the City if she was referring to the current grant, adding that they weren't applying for an additional grant.

Council Member Matson expressed some confusion over there being a grant available that they haven't applied for yet.

Mayor Raymond responded that she would find out about the other grant and let her know tomorrow after talking with Ms. Henkle.

Ms. Henkle indicated that she was still in attendance.

Mayor Raymond asked her if the smaller grant was something the City would apply for.

Ms. Henkle answered that it was a pot of money similar to the other one, with more restrictions, and they would submit for reimbursement through the City.

Mayor Raymond stated that they would work on that one and see where it might fit in.

City Administrator Wayman explained that the funds distributed under this particular contract will be out of City reserves, to be reimbursed at a later date by the Department of Commerce, with a two- to three-week expectation for reimbursement. He added that they would strive to have all City requirements done by end of next week to understand how much would be remaining to offer to community businesses, reiterating his earlier explanation regarding the committee to review the applications, with a three step grant level of funding in five thousand, ten thousand and fifteen thousand dollar amounts, with the businesses responsible for accounting for how they spent the money received, not the City.

Council Member Bell commented that in essence they were utilizing the SDA and the Chamber to simply do the screening of businesses; the City is accountable for the funds and they are not.

Mayor replied in the affirmative.

City Administrator Wayman agreed, saying that the checks would be from the City to a business owner.

Council Member Peterson clarified that the Resolution tonight was just the beginning of the process. He inquired as to how long the money was available for them and what kind of requirements justify the COVID connection.

City Administrator Wayman referred him to Appendix A in the packet, which had guidance on what it could be spent on. He went on to say that the committee would be clear on what requirements there are for each business as well as the time limit, which requires that all requests be done and submitted by the end of October, which was why he had staff working to compile their requests as quickly as possible, with the remainder available for the business community. He said that they would appoint a committee

by the end of next week to decide which businesses will receive funds, with the criteria through the Department of Commerce and the ability to prioritize these applications.

Council Member Carlson commented that the SDA does not want the money to come through their account, but to just be a screening process, adding that the SDA and the Chamber are well-versed in providing grants and measuring the qualifications of those applications. He said that the plan is they will make recommendations to the City, then the Council will have to approve that money and have the final decision on where the money goes.

Council Member Wickenhagen wondered if SPRSA would be eligible to receive funds.

City Administrator Wayman replied that he would love to be able to do that, but under the guidelines they can't use money for a program that was reliant on tax or other types of revenue coming, which would apply to both the Civic Center and the SPRSA under these guidelines.

Council Member Bell moved, and Council Member Wickenhagen seconded, to Approve the Resolution Authorizing the Mayor to Sign a Coronavirus Relief Funds Interagency Agreement with the Washington State Department of Commerce. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

O. Ordinances

1. Ordinance vacating a portion of North 1st Street right-of-way lying north of West Bartlett Avenue requested by the Selah School District

Community Development Supervisor Peters addressed O – 1. He stated that this is the Ordinance vacating the portion of north First Street requested by the Selah School District, which contains conditions to ensure that easements are recorded over the area to be vacated and planting maintained outside of areas where the City has utilities. He noted that, should it be approved, the Ordinance wouldn't be recorded until the forty-seven thousand dollars has been paid and the conditions are met.

Council Member Wickenhagen moved, and Council Member Matson seconded, to Approve the Ordinance vacating a portion of North 1st Street right-of-way lying north of West Bartlett Avenue requested by the Selah School District. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Community Development Supervisor Peters gave a brief update on items such as the water system plan update, finalizing plans for the John Campbell school project, the shorelines master program, and the Hillside Estates subdivision preliminary plat and Planned Development. He noted that they were at about sixty-four percent of total projected revenue for the year.

Human Resources Manager Potter spoke regarding the vacant Council position, saying that they currently have two applications and would be accepting them through Friday, September 4. He gave an update on Police Chief Hayes' resignation to retirement, which would be effective at the end of the month, informing Council that Deputy Chief Steen would be the interim chief until the position is filled. He noted that Officer Singletary had also submitted his resignation, and would be moving onto some educational endeavors.

City Attorney Case had no report.

2. Council Members

Council Member Carlson wondered if they would see the same challenges with regard to the Police Academy with the hiring of two new officers for the Police Department.

City Administrator Wayman replied that they were holding off for budgetary reasons originally, but as last month was a record month on sales taxes, they were going forward with filling the sixteenth position and the open position with Singletary leaving. He went on to say that they would be widening the net outside the valley to look for new patrolmen and new leadership, with the possibility of obtaining highly qualified officers from other municipalities, but they would hold off on the officers until after hiring the new chief, to allow him or her to select the officers they want.

Council Member Peterson said that the Mayor signed a Proclamation declaring August as Mental Health Month at the last meeting, and wanted to remind everyone to call a friend and be aware that there are a lot of lonely, emotionally depressed, and troubled people out there.

Council Member Bell echoed Council Member Peterson's comments on the Proclamation, asking the Council and community to not just view this as a one-time event but to reconnect within the community. He said that the Health Department allowed the swimming pool to open on a very limited basis, and that people can sign up online to be able to exercise with walking or lap swimming, or to have group swim lessons in groups of five or less.

Council Member Vargas read aloud the following statement:

I have had great concerns over the past few months and particularly after reading the police officers union letter to us.

I believe that our police department deserves respect and support from the city of Selah.

Respect, so that when our police force share concerns over the lawfulness of city directions and eroding trust with the public, that we listen and course correct to prevent further harm.

Support, so that when our police force indicates that Mr. Waymans actions and provocations are placing officers at risk, something is done about it.

Respect, so that when our police force requests outside investigations to be conducted, we agree instead of denying their requests.

Our police force deserves these things, it's my concern that without it, officers will leave. People may get hurt. The city will waste thousands in tax dollars and have nothing to show for it other than a broken community. It's not too late to make a change here. I'd like us all here to consider what actual support for the police department looks like, what is the greater good for the whole community, and what being a good steward of tax dollars means.

Because our citizens, they deserve better than this too.

They deserve us to be good stewards of their tax dollars. Not waste them by fanatically erasing chalk and engaging us in expensive legal battles that I believe we likely lose.

They also deserve our respect. Respect, that allows them to peacefully protest without being disparaged by our city officials.

Our citizens, all of our citizens, deserve to feel safe in their homes and their community. This is simply not how people feel right now.

It's time for a course correction.

I can imagine a future for Selah where the police are respected and supported. Where they are allowed the time, the support, and the tools needed to do their job and keep our community safe. Where officers, city government, and community members trust and respect one another. Where all of us are welcomed, safe, and thriving.

We all need to stop and imagine the best and brightest future for our town. Then we need to turn these ideas into actions. Because as I've heard someone else say, these ideas are not pipe dreams, these are our marching orders. These are the blueprints for our lives, our families, and our world. It's time for a course correction here in Selah WA- for the greater good of us all.

Council Member Wickenhagen had no report.

Council Member Matson thanked Council Member Bell for the amount of work he and the entire SPRSA group put in to bring the community pool to fruition, which has brought a wonderful addition to the City.

Council Member Carlson reminded people that the SDA has free masks for distribution, and that they can reach out to Ms. Henkle to request masks. He said that they held an SDA meeting yesterday finalizing the last of the beautification grants. He echoed Council Member Vargas's concern that any investigation on a staff member be taken seriously, opining that if one is done on City Administrator Wayman there would appear to be a conflict of interest when that person reports to the City Administrator, regardless of who that person is.

Council Member Carlson moved to have the investigation taken outside the City rather than inside where they are being done by a person who reports to City Administrator Wayman.

Mayor Raymond replied that she didn't have a problem hiring an outside investigator, but when that letter first came to them they had no idea who was being investigated, just that they were told to hire an outside investigator.

Council Member Carlson remarked that his motion does stand to recommend hiring an outside agency for this, under the assumption that they have enough information to point to a need for an outside investigation in this case.

Council Member Vargas seconded the motion.

City Attorney Case clarified that, while any council member can make any motion, second, and vote, in this scenario this would be a resolution of the council's desire, not a directive to Mayor.

Council Member Carlson responded that his motion was to have any investigation being done currently to be shifted to an outside investigator, and asked if there was or wasn't a current one.

Mayor Raymond answered that Human Resources Manager Potter did one.

Human Resources Manager Potter clarified that he only interviewed some employees about normal employee complaints.

Council Member Carlson said that while he has respect for Human Resources Manager Potter, he didn't deem it appropriate to have it handled by someone who reports to the person in question.

Mayor Raymond asked City Attorney Case if there were at the point of being asked to hire an outside investigator.

City Attorney Case replied that he didn't think any data could be properly disclosed about any investigation or investigations that have recently occurred, but only disclosed after the investigation concludes and there's an outcome. He went on to say that there was a meeting weeks ago between himself, the Mayor, Human Resources Manager Potter and Mr. Simmons, at which time the request was made, but as he had no names or the nature of any complaints, the Mayor decided not to cede to his request. He reiterated that any council member can bring forth any motion they want for a resolution but ultimately the Mayor gets to make the call on this, and that every Council Member received the responsive letter from him to Mr. Simmons, written within twenty-four hours of Mr. Simmons' letter, which stated that the core intent of his letter was the polar opposite of truth, as the Mayor isn't setting policy to seek any civil or criminal penalties for use of sidewalk chalk on walkways. He added that there were additional items in his letter he chose not to address, and finished by saying that he thought Council should take a vote regarding the motion on the table.

Council Member Carlson clarified that the letter that came in after the meeting at City Hall did issue a re-request for an outside investigation, and as he assumes those issues are about City Administrator

Wayman, for Human Resources Manager Potter to be designated to do while reporting to his superior about an investigation of said superior doesn't make sense.

Council Member Wickenhagen opined that this should be an executive session discussion, as they were talking personnel and personnel reports, and recommended they take the discussion to executive session.

Council Member Peterson agreed that Council Member Wickenhagen's idea was a good one, as he felt they were skirting the discussion about administrative responsibilities and personnel matters in open session, and due to the vagueness of the description of what investigations would be referred to an outside investigator, he wasn't sure he could recommend it.

Council Member Carlson commented that there was a specific recommendation in the letter from Mr. Simmons requesting an investigation, which Human Resources Manager Potter was working on briefly. He was okay with having an executive session on the matter, but requested that City Administrator Wayman not be part of the executive session. **He revised his motion to move to an executive session and have a discussion, with Human Resources Manager Potter invited and City Administrator Wayman not invited.**

Mayor Raymond asked if he meant for the next meeting.

Council Member Carlson answered no, right now for this meeting.

Mayor Raymond inquired of Executive Assistant Lake if they could do that.

Executive Assistant Lake replied in the affirmative, adding that it needed to have a time limit.

Council Member Carlson repeated his motion with the addition of a time limit of thirty minutes.

City Administrator Wayman strenuously objected to the entire process, and especially Council Member Carlson's motion to remove him from the conversation, saying that he needed to know about allegations of misconduct and should have a chance to defend himself in executive session. He opined that Council Member Carlson has a habit of wanting to exclude him from conversations.

Council Member Carlson responded that he would love to hear when he had done that before.

Mayor Raymond stated that they have a motion on the table to have a thirty-minute executive session.

City Attorney Case suggested that they table the prior motion because it was seconded, adding that it behooves them to have action on the first motion, or for it to be tabled.

Council Member Carlson said he would be happy to table the first motion.

Council Member Vargas seconded to table the first motion. Motion was unanimously tabled by a show of hands.

Council Member Carlson repeated his motion to have a thirty-minute executive session. Council Member Vargas seconded the motion. By voice vote, approval was unanimous.

Mayor Raymond stated that they would be holding a thirty-minute executive session.

City Administrator Wayman wanted to register on the record that he found excluding him an incredibly hostile move and unjustified.

3. City Administrator

City Administrator Wayman said that they've already begun interviewing potential candidates for the Chief of Police, and would be expanding the search regionally. He added that they've already interviewed a couple highly qualified candidates and expect to have someone in short order. He remarked that the new Chief will have the ability to hire two additional patrol officers that they were authorized to hire, and that he was looking forward to a highly qualified individual coming into the position.

4. Boards **None**

5. Mayor

Mayor Raymond reminded Council Members to please sign in by 5:15pm for the next Council Meeting, and also come into City Hall before Friday to sign paperwork.

R. Executive Session

Council went into Executive Session at 6:55m. At 7:25pm, Council went back on the record. Mayor Raymond stated that they would be extending the Executive Session for an additional 20 minutes.

Council went back into Executive Session at 7:30pm. At 7:50pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

Mayor Raymond asked Council if they wished more time in Executive Session. Council Members declined additional time.

Council Member Carlson moved, and Council Member Vargas seconded, that Council recommend that the Mayor to hire an outside investigator to continue investigating concerns expressed by the Police Union in regards to a complaint about City Administrator Wayman. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes, if the Mayor feels the need; Council Member Vargas – yes; Council Member Peterson – no; Council Member Bell – yes, with the condition if the Mayor deems it necessary; Council Member Carlson – yes. Motion passed with five yes votes, two with qualifiers, and one no vote.

S. Adjournment

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

The meeting adjourned at 7:54pm.

Sherry Raymond

Sherry Raymond, Mayor

Roger Bell, Council Member

Russell Carlson, Council Member

Jacquie Matson, Council Member

Kevin Wickenhagen, Council Member

Clifford Peterson, Council Member

Suzanne Vargas, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer