City of Selah
Council Minutes
August 25, 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; Joe Henne, Public Works Director; 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

Pastor Scott Ruark gave the prayer.

F. Agenda Changes

Add: G – 1

G. Public Appearances/Introductions/Presentations

1. Katrina Henkle, Selah Downtown Association – Update

Katrina Henkle, Selah Downtown Association Executive Director, addressed the Council. She said that they have a refill on their stock of free masks to give out to businesses, which will be the last from Emergency Management, and that they have a group of volunteers working with Comprehensive Mental Healthcare to do a series of webinars regarding COVID, the quarantine, and how to spot issues, where people would be able to ask questions anonymously. She remarked that they are working side by side with the City on grants for Selah businesses, and anticipate that applications would be available by the beginning of next week.

City Administrator Wayman commented that they would have approximately one hundred fifty thousand dollars to distribute to businesses with their committee, and requested that Ms. Henkle announce the names of the committee members.

Ms. Henkle stated that the three were David Smeback, a former Selah Council Member; Brian Rafferty, President of the Selah Chamber of Commerce; and Owen Packard, a Selah Downtown Association board member.

Mayor Raymond thanked her for all her work on that.

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.

Executive Assistant Lake said that there were thirty-eight comments submitted, of which seven were duplicate submissions and seven would not be read aloud. She requested that the public refrain from submitting duplicates of the same comment via the online portal for any one Council Meeting, adding that they would receive an automated notification that their comment had been received. She read aloud the following statements provided via the online public comment submission form.

From Bill Callahan:

City Attorney Rob Case appeared to send a "Cease and Desist" via a message on FaceBook to a parody City of Selah account. He wrote: "This is an imposter Facebook account. It is not an actual City of Selah account. I am the municipal ATTONTEY for the City of Selah. In that role, I am hereby instructing whomever is running this account to immediately take it down and to forever cease and desist. You will be SURE civilly and/or prosecuted criminally if you do not comply." Please note that the only words he misspelled (attontey instead of attorney and sure instead of sue) are some of the only words in his message that actually relate to his profession. Many citizens who saw this message wondered if it was even legal to order a cease and desist via FaceBook comment. His message raises potential censorship concerns for many Selah citizens. We are SURE civically that there is a long and solid history of freedom of speech protection for parody and satire in the United State of America!

From Odessa Moore:

Donald Wayman's recent behavior toward Selah Police officers, combined with the City's dismissal of the Police Department's Union who expressed concern on their behalf, seem to indicate a clear lack of appreciation on the City's behalf. Donald Wayman stated that the police chief has been expected to retire for some time, and Mr. Potter stated that officer Singletary left to pursue education. This seems to be in stark contrast to what Union Representative Dave Simmons has said about the matter. He has stated that several officers are looking for jobs outside of Selah, along with the police chief retiring at the end of this month. He has stated that he believes the harsh stance the City has taken on chalk is a "significant contributing" factor to those events. Simmons stated that officers are "being placed in a situation here of what they believe to be in the middle of two opposing opinions...

they feel like they're in a no win situation,". It seems misleading that in the last City Council meeting this pressuring factor was not even mentioned as a possibility as to why officers are leaving the Selah Police Department.

From Daniel Callahan:

On July 21st, 2020 City Attorney Rob Case claimed "I don't believe I've had any conversations with... even police department people. The only people I've been speaking to at the City in regards to this would be the mayor and the administrator and some other office type folks". "This", in reference to the chalk issue. Between Late May when the issue began and July 21st, Rob Case had multiple meetings with the Chief of Police Richard Hayes Present. Sergeant Reeves also stated on July 6th that he received direction from the City Attorney on that same day, specifically regarding how to enforce chalk on public property. Rob Case and Sergeant Reeves were both present at a protest on July 6th that involved chalk art in front of city hall. Rob Case and Sergeant Reeves were both spotted on their mobile phones that evening. According to Rob Case's July 21st statements, he never corresponded with any "police department people". I hope he meant police officers, as I would expect that he knows that's what we usually call people who enforce laws and work for police departments, but I digress. Many members of the public find it hard to believe that the topic of chalk art and it's legality never came up during multiple meetings with the police chief. They are similarly skeptical that Case was at no time speaking with any police officers about chalk while on the phone on July 6th. They are skeptical still that Rob Case didn't speak to Sergeant Reeves about the issue they were both at City Hall for, despite both being present at the same time on July 6th. I sincerely hope Mr. Case was not lying to the Selah public during an official City town hall meeting. I'm sure all would agree that it would be inappropriate for a city employee to do so.

From Courtney Hernandez:

Donald Wayman has been recorded standing next to his City of Selah vehicle, while it's lights were flashing, and while he was directing a sidewalk cleaning, yelling hate speech at a local citizen. He shouted "Are you still a drunk?". Many citizens consider this extremely inappropriate behavior for Mr. Wayman to be engaging in while he is obviously on duty, working for the City of Selah. City officials should be held to a higher standard.

From Colton Backer:

The City of Selah has threatened to prosecute chalk artists for drawing solely on sidewalks. This is not libelous. This happened at least once on July 6th, 2020. According to Sergeant Reeves of the SPD chalk artists drawing on sidewalks were to be given a verbal warning, and if caught again they were to be charged with a graffiti violation and malicious mischief. Officer Reeves claimed that he was told by the City Attorney that the Supreme Court of the United States ruled that any writing on government property was illegal, everywhere across the country, regardless of medium. This is despite cases in cities like Seattle, Spokane, Orlando, Las Vegas and San Diego where chalk art on government property is often not considered illegal. Reeves said that he received word that this Supreme Court case concluded in 2019. This raises potential censorship concerns for many Selah citizens.

From Julie Field:

Mayor Sherry Raymond stated that there would be multiple town hall meetings hosted by the City last July. She hosted one meeting on July 21st, and soon afterward sent out a letter saying no more town hall meetings would be held. She went back on her word. This raises potential censorship concerns for many Selah citizens.

I would it if Mayor Sherry would herself respond to this NOT Mr Wayman or Mr Case please.

From Gabriel Fabian:

Chalk and dirt are quite similar, chemically speaking. They both deface public property to a similar degree when they are on streets and sidewalks. They are both swept away at nearly the same rate when a vehicle passes over them. They are almost identically water soluble. Yet our city has seemed much more focussed on removing chalk from sidewalks and streets than dirt. From a chemists' viewpoint, chalk and common dirt are quite hard to distinguish. If the city is to threaten prosecution for chalk on public property, they must also do the same to individuals who spill dirt on streets. Any definition of graffiti or malicious mischief that includes chalk would have to include dirt because of the similar chemical properties. Many members of the public consider it ridiculous to consider something as elementary as dirt "graffiti", yet by transitive property, if chalk meets this standard then so does dirt.

From Anita Callahan:

According to City Attorney Rob Case, The City of Selah found and destroyed a memorial dedicated to a fallen soldier. According to him it occurred on the 4th of July. I could not think of a less appropriate time to disrespect someone who died for our country. The public has a right to know that this is what city leadership thinks of our military.

From Caleb Nass:

Here are excerpts from the police department union representative's letter in regards to the recent chalk issue. This document is a matter of public record and I believe the public deserves to know what it says: "As I expressed to you and the City Attorney in our meeting on July 16, 2020, the actions and provocations by the City Administrator concerning protesters have inflamed a volatile situation which we fear places the citizenry and officers at risk. We want you to understand the difficulty that causes police officers, who work in an environment that is based on following directions and lawful orders. The current situation is causing officers to consider leaving the Selah Police Department and has had a negative impact on the officer's morale.

This letter will also memorialize our concerns over the position adopted by the City regarding the criminality of an individuals' use of chalk as communication on public walkways within city limits. As I am sure that you know, chalk art on walkways has been a mode of communication within the City of Selah over the years on a variety of topics. Until recently, individuals were able to engage in expressing speech on walkways without direction to the police officers from the city to take enforcement action in any way. Now, however, the city has directed police officers to take action against those who use chalk art in support of a particular political view under the theory that such an act now constitutes a criminal act. For reasons described herein, the city's divergent application of what constitutes criminal activity is deeply concerning to the Union on behalf of the represented employees.

As part of the Union's investigation into whether the City's directive constitutes a lawful order, I have attached a copy of an Order issued by the Chief Judge of the United States District Court for the Eastern District of Washington in Bledsoe v. Ferry County Case No. 2:19-CV-227-RMP. This is the division of the U. S. District Court that includes The City of Selah.

As explained therein, the Court concluded that the criminal reach of the malicious mischief statute, RCW 9A.48.090, did not extend to an individual's use of chalk on public walkways. Most significant for purposes of this letter, is the Court's analysis concerning subsection (b) of the malicious mischief statute which allows for prosecution in cases

involving federal buildings even without a showing of property damage. The District Court specifically noted that the plain language of this subsection made clear that it did not apply to public walkways.

Because of the potential of 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 in Bledsoe v. Ferry County which notes that such conduct does not constitute criminal activity. This request is made pursuant to RCW Chapter 41.56."

From Lindsay Johnson:

During the last City Council meeting 3 out of 10 public comments submitted were not read. All 3 comments were critical of city leadership. No comments in support of the Mayor or City Administrator were excluded. This raises potential censorship concerns for many Selah citizens.

From Kalah Lalley:

Recently, a letter from the police union that represents our police department requested that an outside entity conduct an investigation into the actions of our city administrator, Don Wayman. Furthermore, we have Selah police officers who are considering leaving the department, and arguably some who already have, due to his directing officers to take action against those who use chalk to express a particular political opinion. This is not libelous as the letter is now a matter of public record. I have significant concerns that this same man is now heading up the recruitment and ultimate hiring of our new police chief. This is entirely unacceptable and demonstrates the same lack of oversight Selah that continues to harm the reputation of our town.

From Anita Callahan:

I do not believe that Mr. Case's contract should be amended to give him an extra $1,000.00/month raise. Mr. Case agreed to the contract he signed in September of last year. That contract stipulated that he be paid $9,000 a month for his legal services. If Mr. Case no longer agrees with the conditions of the contract he signed, it would behoove him to quit his job as the Municipal Attorney. Additionally, I find it inappropriate that Mr. Wayman is recommending the approval of this contract change, considering the fact that Mr. Case is representing him in a private capacity. It may be better for all parties involved if Selah found an attorney who was not representing the man proposing his raise.

From Jackie Bobeck:

I think it is entirely inappropriate to give Rob Case, city attorney, $10,000 a month with a $1,000 increase suggested by Donald Wayman. It is extremely disheartening that that even be under consideration seeing as he also defends him privately. My tax money should not fund this mans paycheck. There is a definite conflict of interest and this needs to be addressed.

From Wayne Worby:

The utility tax being collected to retire the debt on the Marudo property was projected to be paid off in September. Is that time line still accurate and when may citizens see the reduction in utility bills. Thank you.

From Ben Johnson:

I believe there is a time when a leader must look at their material situation and ask "regardless of my intentions, have I improved conditions for those I'm serving?" I think if Selah's top elected and un-elected officials ask themselves that in regards to the course of action taken from the time of Mr. Wayman's conversation with Yakima Council-member Cousens until today, the answer is "no." Selah's reputation is worse and its residents are move divided as a result of their leadership.

I hope those officials can look past their personal interests and pride to realize that they've lost the confidence of enough of their residents to make their continued leadership counter-productive to the long term well being of the people they are serving. I ask those officials to put the needs of their fellow residents before their own and resign.

From Tricia Smith:

The following is an excerpt from a police report describing a June 30th incident where Donald Wayman gave orders to a Selah Police officer to arrest citizens if caught drawing on sidewalks with chalk. It is a matter of public record: "I exited my patrol vehicle and approached Wayman, as I neared him he said in a very serious voice "AND WHAT TIME DID YOU GET IN?" I advised him I got on shift today at 1600 hours.... He was quite upset while speaking with me and I felt as though he was taking out his frustrations on me as he stated "THESE HOOLIGANS AND THUGS ARE DEFACING PROPERTY" He very sternly stated "I WANT THEM ARRESTED AND CHARGED WITH MALICIOUS MISCHIEF, IT'S A GROSS MISDEMEANOR."... I advised Wayman that I would check on the property throughout the night as time allowed and if anyone was defacing the property we would deal with it. He was still as frustrated and did not seem happy with my answer, prior to ending our conversation he stated "IF THEY WANT A FIGHT THEY WILL GET ONE"." This report seems to indicate that Wayman has resentment for Selah police officers. It also seems to indicate that Wayman gave orders to arrest chalk artists drawing on sidewalks, despite the court ruling in the "Blesdoe v. Ferry County" case, which proved that the Washington malicious mischief statute doesn't apply to sidewalks. This begs the question, if this law doesn't apply to the chalk art present on the night of this police report, why would Donald Wayman order a Selah police officer to arrest and charge the artists?

From Breanna Rowe:

During the City Council Meeting on June 24, 2020, City Administrator Donald Wayman went on record calling Selah residents and activists across the country "Devoid of intellect and reason". During this time the City was not allowing any public comments at City Council meetings. This leaves us with one of two possibilities. Either the City made an exception for Mr. Wayman to give public comments as a private citizen when no other community members were allowed to, or he went on record as a representative and highest paid employee of the City and stated that these people were "devoid of intellect of reason". I think the public has a right to know whether Mr. Wayman was allowed to give a public comment, violating the open meetings act, or he was acting in his duties as city administrator and got paid to spew hate speech aimed at those he disagrees with.

From Darla Markle:

I've been following the issues with the BLM activists & the chalk graffiti on city property. I'm appalled at the push of a political agenda onto a city. This is not about bringing a community together but to sow discourse. For almost 6 months now we've seen burning, looting, chaos, hate & destruction all with the name Black Lives Matter group attached proudly to these riots. They are not protests because protests do not burn buildings & harm others. Why is one group so bent on bringing a name of an activist group connected to chaos to our community? Its not about

Black lives. If you live in a community, you do not get special privilege to graffiti your political messages wherever you please. Or else its open season for all political beliefs. Would this group object MAGA all over city property? Enough of division. And yes, BLM leaders have declared themselves as Trained Marxists. Reading their mission on their website shows they have nothing in line with values of Selah community.

From Julie Field:

Mayor Sherry Raymond stated that there would be multiple town hall meetings hosted by the City last July. She hosted one meeting on July 21st, and soon afterward sent out a letter saying no more town hall meetings would be held. She went back on her word. This raises potential censorship concerns for many Selah citizens.

I would like to hear why from the Mayor herself NOT Mr. Case or Mr. Wayman. Thank you.

From Julianne Moore:

I strongly oppose a pay raise to Rob Case
Many Selah residents are out of work and are struggling.
It is unacceptable to increase a contract employees salary at this time.
Not surprised that Wayman suggested the increase to his personal attorney .
Are we sponsoring Don Waymans's legal fees to Rob Case(through the back door) !!!!
Wayman and Case need to go NOW
Selah was a lot better of without them

From Jason Moore:

The City of Selah has repeatedly removed chalk art advocating for racial equality from a dead end street, several times. This raises potential censorship concerns for many Selah citizens. The city has allowed various forms of chalk art in the past. Why now does there seem to be such a concern about this issue?

From Sarah Runion:

The City Code states that Politcal Signs do not need a permit, however, recent political signage that calls to Fire Wayman(a political figure) are being removed. This blatantly shows discrimination, and when contacting the code enforcer, we are instead directed to Wayman. This town deserves leadership that is empathetic to to the concerns of its citizens.

From Joe Tanner:

Mr. Wayman, can you please refrain from referring to the current virus as "Wuhan virus".

From Cassandra Collins:

The City police department recently took down their official facebook page. Before it was taken down many comments questioned why a post said a recent police report was cleared of suspicion despite the patrol officer telling the family involved to call 911 if they saw a certain individual or vehicle in their neighborhood. This raises potential censorship concerns for many Selah citizens.

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

2. Written

a. Code Enforcement Report for July 2020

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: August 11, 2020 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 83729 – 83743 for a total of $210,210.28
Claim Checks Nos. 75250 – 75312 for a total of $309,679.68

Council Member Bell moved, and Council Member Matson seconded, approval of the 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 Authorizing the Mayor to sign a contract between the City of Selah and General Industries, Inc. of Spokane, WA. for the Well No. 7 Redevelopment – New Pump Installation Project

Public Works Director Henne addressed N – 1. He briefly spoke about what had been done to Well No. 7 to increase water flow and maximize the City's water rights, including a camera to examine the well casing, scrub and bale out of the bore hole, and test pumping to determine the size of turbine pump and depth needed to provide the flows they were looking to acquire. He went on to say that they sent out a request for bids, with the lowest responsible bid at twelve percent above the engineer's estimate from Spokane Valley General Industries, Inc., and that Public Works is recommending to move forward with awarding the contract to allow them to install the new pump over the winter while demand is low and they can take the well offline.

Council Member Carlson asked where Well No. 7 was located.

Public Works Director Henne answered that it's the pump house in northeast corner of Carlon Park adjacent to Goodlander Road and west of the coffeeshop on the corner.

Council Member Carlson inquired as to what issues they were seeing as a result of lower flow, that caused the need for all the work to be done.

Public Works Director Henne replied that Well No. 7 is an artesian well put that in over twenty years ago, and as the water level has dropped in the well casing the centrifugal pump has dropped down to eleven hundred gallons per minute. He added that the City's water rights are for two thousand per minute, and they wish to keep those water rights intact.

Council Member Carlson wondered if any businesses or homes were feeling a loss of pressure or if it was about water rights.

Public Works Director Henne responded that it was about water rights, as they want to have water rights up to the two thousand gallons per minute they currently have.

City Administrator Wayman commented that they have not moved forward with selling the property behind the motor lodge in case they need to drill a well there, but the hope is that this meets their pumping allocation.

Council Member Carlson agreed that it seems like the cheapest option.

Council Member Wickenhagen moved, and Council Member Peterson seconded, to Approve the Resolution Authorizing the Mayor to sign a contract between the City of Selah and General Industries, Inc. of Spokane, WA. for the Well No. 7 Redevelopment – New Pump Installation Project. 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.

2. Resolution authorizing the Mayor to sign an Amendment to the Contract for Legal Services with D.R. (Rob) Case, (WSBA #34313)

City Administrator Wayman addressed N – 2. He recommended approval of the contract amendment for City Attorney Case that would amend his salary to ten thousand per month, the same as Bob Noe was making prior to his departure. He said that with sales tax reports showing exceptionally high figures for July and August, he's quite comfortable recommending a bump in pay for the City Attorney. He explained to Council that when Rob Case was selected as the City Attorney they weren't sure about his experience with municipal operations, but as far as he and the Mayor are concerned he's done an excellent job with regard to matters such as understanding the law, doing very thorough research, drafting and reviewing legal documents for staff, and spending more time than anticipated on each before moving onto the next project. He went on to say that during his consideration for employment it was understood that he should be hired on a get to know you price regarding his monthly and yearly income, and as far as Mayor and he were concerned he's more than earned the ability to draw an

additional thousand dollars per month to put him on par with the previous attorney. He noted that the City Attorney has done this in the face of some of the vilest personal attacks anyone in public service could possibly imagine, but has persevered and continued to work hard.

Mayor Raymond remarked that City Attorney Case has been very thorough, and she has faith in him. She felt that if a thousand more a month fits into the budget then he deserved the increase, although she wasn't sure if they had discussed bringing it up before.

City Administrator Wayman replied that he can't talk about what was discussed in Executive Session.

Mayor Raymond commented that she knew after six months he was well worth what he was making.

Council Member Matson had a number of questions to ask, starting with how the City Attorney felt about the wage he was hired at when he signed a contract last year.

City Attorney Case responded that technically it was just compensation, saying that he understood it to be a discounted initial rate, and he was willing to sign on for it at that time for a get to know you price. He added that he was aware of what Bob Noe was making and the proposal for an in-house attorney.

Council Member Matson asked if the City has asked him to do anything outside the contract that he has not been compensated for.

City Attorney Case answered in the negative, saying that were he to do work and not get compensated for it there would be a discussion about that. He went on to say that his contract has two components to it, and while there have been things that weren't contemplated at the outset, such as COVID, discussions with the Governor, and recent chalk issues, the simple answer is no.

Council Member Matson requested an explanation for why such a large increase would be justified.

City Attorney Case replied that, while he isn't aware of anyone being asked to justify their potential raise in the past, the Mayor and City Administrator Wayman are happy with his work and it is them bringing this forward to put him on a par with what Bob Noe was making. He noted that he would still be underpaid on a two-year period compared to his predecessor, and that he feels the City would be best served by an in-house full-time position at twelve thousand a month, but that wasn't a subject for discussion today.

Council Member Matson wondered if they felt that Mr. Noe and City Attorney Case have had comparable experience in municipality representation.

Mayor Raymond responded that they are two different personalities. She said she has worked more with City Attorney Case than she ever did with Mr. Noe, adding that City Attorney Case is very thorough in what he does, and that while she is sure Mr. Noe is too, she never saw that side of him.

Council Member Matson asked how often in the past has an adjustment on compensation been made in regard to their legal services.

Mayor Raymond deferred to City Administrator Wayman.

City Administrator Wayman answered that he believed they came back to Council a couple times to ask for raises for Mr. Noe, Ms. Dornay and the public defender.

Council Member Bell commented that to him it's not an issue about City Attorney Case's performance, as he feels that over the course of the past year they've gotten great advice on different matters that have come before Council and have been given answers for Council to help them make better decisions going forward. He added that he personally checked with other people that he knows in the Yakima and Selah area as to City Attorney Case's qualifications and their experience with him and had several people make unsolicited comments that have spoken very highly of City Attorney Case's knowledge and ability to represent the City. He stated that they already went through the issue of his representation of City Administrator Wayman on a personal matter before, which to him was put to bed, but his questions going forward relate to the timing for it, as historically he believes that raises have been considered through the budget process. He said that in his opinion these kinds of matter would be better served in budget process rather than a separate Resolution, as it opens the door to allow additional negotiations outside the budget process for other people.

Council Member Carlson read aloud an excerpt from the Agenda Item Summary, saying that he truly doesn't recall a conversation about raising his contract after an appropriate period of observation. He remarked that he can't speak on whether some people had that in their minds, but he didn't recall discussion about that. He felt it very unfortunate and inappropriate what City Attorney Case has had to deal with, as people should treat others with respect, and apologized from his seat for what he was having to deal with, although he noted that another attorney in that seat would have dealt with the same for City events and COVID responses. He definitely felt this was a matter to discuss during budgeting, adding that from a business perspective just because money was there today doesn't mean it would be there tomorrow, and it should be stored away for a rainy day in order to be cautious of taxpayer money.

Council Member Vargas said that she had been doing some thinking about it as well, and that she felt an eleven percent raise was hard to justify in the midst of a pandemic and outside the budget process. She added that they're in the business of saving taxpayer dollars, and if they have extra money they need to save it and discuss it when they go into budgeting. She stated that she would need a really strong justification to look at amending a contract outside the normal process, and that in looking at the going rate for an attorney of between two hundred seventy-five to three hundred twenty-five dollars per hour it would be thirty-two to thirty-eight hours instead of the thirty-one to thirty-six hours proposed.

City Administrator Wayman responded the budget goal set for sales tax was one million, three hundred seventy-eight thousand, and to date they're at over one point five million and set to exceed the goal by upwards of half a million dollars.

Council Member Vargas inquired if there was a ledger of billable hours they could see.

City Administrator Wayman answered that City Attorney Case doesn't keep a ledger of hours, but if they wanted to overlay an hourly rate of that they would be paying more than nine thousand per month.

Council Member Wickenhagen echoed what had been said about increasing the City Attorney's compensation, adding that, having worked with a very limited budget and needing to hire professionals, he knows how difficult it can be to fill a position, He commented that if City Attorney Case decided to drop services for Selah, changing attorneys in the middle of some things would be very difficult, and he looked at it more as trying to meet a professional position demand, which is how City Attorney Case is judged on his job. He noted that he got outvoted the previous time for Mr. Noe, but that was more in the neighborhood of a one hundred, sixty-thousand-dollar proposal, in trying to make sure the position gets filled by a competent attorney.

Council Member Peterson said that his thoughts ran along the same line as Council Member Vargas in that he was very happy with the work City Attorney Case has done. He went on to say that two hundred dollars an hour for an attorney is a cheap lawyer for only fifty hours a week, which is accounted for with meetings alone, not including research, and that in reviewing a salary survey of similar cities from AWC he determined that City Attorney Case is actually the lowest at his current salary, as most cities give a salary range. He remarked that he attended the budget meetings last fall and there was mention in those budget meetings that there would likely be an increase. He said that as far as the timing, it's the anniversary of the contract and evaluation time, and it seems to him that it would be an appropriate time with the anniversary of the contract to implement it.

City Attorney Case thanked him for his comments, clarifying that two hundred per hour would be fifty hours per month, not per week.

Council Member Peterson agreed, and that he misspoke.

City Attorney Case commented that to compare himself to city attorneys at other locales can create an unfair comparison, as he's a contract employee not a city employee, and the bulk of those folks would be full-time employees with regular fringe benefits on top of salary.

Council Member Peterson replied that he understood it doesn't include benefits.

City Attorney Case expressed his appreciation for the research done to compare his position to some other city attorneys in the locale.

City Administrator Wayman remarked that doing things outside the budget cycle isn't out of the norm, as they do that every time they meet. He stated that the budget request for next year will include a pay raise for City Attorney Case, which may be more than ten thousand dollars, adding that they are really looking at an additional four thousand for this calendar year. He opined that what it boils down to is a vote of confidence in City Attorney Case, as they will see a budget request that includes a raise for him. He reiterated that for those concerned about his relationship with the City Attorney, they already have a signed conflict of interest waiver and the Washington State Bar Association has ruled that they do not have a conflict of interest.

Council Member Carlson said that he has spoken with City Attorney Case before and indicated that they do appreciate both him and his work, and as such he wouldn't characterize this as a lack of confidence or confidence vote. He went on to say that he's a qualified candidate doing a good job, but he didn't

want an increase for four months only to hear another one for another increase, opining that they need to take a business approach, be careful with the money, and put it away for a rainy day.

Council Member Bell said that he understood that the pool for attorneys that are willing to be city attorneys was pretty small, especially when talking about experienced attorneys who can represent the City, and he values the experience the City Attorney provides to the City and Council.

Council Member Wickenhagen moved, and Council Member Peterson seconded, to Approve the Resolution authorizing the Mayor to sign an Amendment to the Contract for Legal Services with D.R. (Rob) Case, (WSBA #34313). Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – no; Council Member Peterson – yes; Council Member Bell – no; Council Member Carlson – no. Mayor Raymond cast the tie-breaking vote in favor of approving the motion. Motion passed with four yes votes and three no votes.

O. Ordinances **None**

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Human Resources Manager Potter gave an update on the police chief position, listing the places it has been advertised and that it closes on Friday September 4, after which they will be compiling a series of interviews for those who qualify. He noted that he has received four applications thus far, two in-house and two out of house, along with several phone calls demonstrating interest. He said that he's been working with the Fire Department on plans for when Fire Chief Hanna retires, and they have put together a good plan for that transition that will enable them to maintain that service through his retirement, which is scheduled for next year.

Council Member Carlson asked for details on the plan of succession.

Human Resources Manager Potter replied that it has to be approved by the Fire Commissioners, and until they've formally approved it he won't go into detail. He went on to say that the proposal is that Deputy Fire Chief Lange will take over as chief and they will advertise for the deputy position, adding that he has excelled and will be mentored by Fire Chief Hanna, with an overlap of three months with two deputy chiefs training at the same time.

Council Member Carlson was curious as to why the same method wasn't being used for the Police Department.

Mayor Raymond responded because there is already talk about favoritism, and she didn't think it a good idea for herself or the City Administrator to choose a chief without seeing who's available and making it a fair chance.

Human Resources Manager Potter remarked that the situations aren't as similar as they appear, as the Fire Chief has been very clear about his intent to retire and the date of intent, while the Police Chief gave them much shorter notice.

City Administrator Wayman added that they don't have a Police Commission as a governing body who can screen a candidate; it's the Mayor's sole decision on who she hires for that. He went on to say that they are advertising the position and have had some in-house discussions regarding the process.

Council Member Bell remarked that, having been the City's representative to the Fire Commissioners' Board for several years now, it's been a discussion for that entire time, and they hired Deputy Fire Chief Lange with the intent to have a transition period. He noted that the Fire Commissioners are elected, not appointed, and they also confer with the Clerk/Treasurer, City Administrator, and Mayor.

Mayor Raymond noted that Deputy Fire Chief Lange sent a message that he had no report.

Public Works Director Henne said that the John Campbell site plans have been submitted and reviewed, he's working on the budget, there's an auditor looking at the East Goodlander project, the West Goodlander project is moving along, and the Taylor Ditch drainage structures were delayed.

Mayor Raymond inquired about the progress on the tennis courts.

Public Works Director Henne replied that it was going slow, although the contractor was still promising to have it done before the weather cools.

City Attorney Case said that there is a Back The Blue event planned this weekend in the City, which the City has no direct involvement in, to support the police in general. He expressed his appreciation for the kind and warm words spoken by the Mayor and City Administrator, and the four votes in a show of confidence.

2. Council Members

Council Member Peterson had no report.

Council Member Vargas had no report.

Council Member Bell said that the final punch list check at pool is complete, and the only item left now was to get their permanent occupancy permit as soon as the dumpster enclosure is completed.

Council Member Carlson had no report.

Council Member Matson said that YVCOG would be holding their September meeting via Zoom or the like. She remarked that she had a meeting with Ms. Henkle last week and wanted to tell her how much she appreciates all the hard work put into leadership of the SDA.

Council Member Wickenhagen had no report.

3. City Administrator

City Administrator Wayman talked briefly about the Marudo debt, saying that the estimate for possibly lifting the utility tax was September, but would like be October based on the dollar amount still needed He stated that Staff would be bringing back a recommendation to retire the tax with regard to the Marudo debt when they have the full amount. He noted that they have auditors here for the annual audit.

4. Boards **None**

5. Mayor

Mayor Raymond had no report.

R. Executive Session **None**

S. Adjournment

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

The meeting adjourned at 7:04pm.

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