Study Session Minutes
Selah City Council
September 22, 2020
3:00pm

Mayor Raymond opened the Study Session.

Community Development Supervisor Peters stated that he verified that the addresses given by all applicants are within the City limits, and that all are residential.

Mayor Raymond called on each applicant according to the appointments scheduled prior to the Study Session, starting with Michael Costello, then Ellen Overby, followed by Mellisa Saxey, then Steve McKenna, and Taryn Franck, and ending with Jared Brink, and invited him or her to speak briefly about themselves.

After each candidate introduced him or herself, they were asked a series of prepared questions relating to the responsibilities of a Council Member and their interaction with City staff, priorities for the City, finance, development, and communication.

Mayor Raymond thanked all of the applicants and announced that they would be at recess until the Council Meeting at 5:30pm.

The Study Session ended at 5:04 pm.

City of Selah
Council Minutes
September 22, 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; Eric Steen, Deputy Police Chief; Jim Lange, Deputy Fire Chief; Treesa Morales, Public Records Specialist; 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 Chip Nill gave the prayer.

Council Member Vargas requested clarification regarding straw polls during executive sessions.

City Attorney Case replied that his plan was to address the substance of the email she sent at the end of July, which he first became aware of a week ago, during the executive session given the content at play.

R. Executive Session

1. 45 Minute Session to consider the qualifications of a candidate for appointment to elective office - RCW 42.30.110 (1) (h)

Council went into Executive Session at 5:35m. At 6:20pm, Council went back on the record.

City Attorney Case stated that no action was taken during the Executive Session.

Council Member Carlson remarked that he felt like there was a really good list of candidates, and that he was pleased with everyone and their interviews.

Council Member Carlson moved, and Council Member Matson seconded, to nominate Michael Costello for the Council Position 6. 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.

Clerk/Treasurer Novobielski swore in Michael Costello as a Council Member for the City of Selah.

Council Member Costello joined the meeting.

F. Agenda Changes

Add: Executive Session R – 2: 20 Minute Session re: Real Estate RCW 42.30.110(1)(c)

G. Public Appearances/Introductions/Presentations

1. Katrina Henkle, Selah Downtown Association – Update

Katrina Henkle, Selah Downtown Association (SDA) Executive Director, addressed the Council. She reminded everyone that the Selah CARES grant applications were due by September 30 at 5pm to Executive Assistant Lake at City hall, adding that applicants can as for up to fifteen thousand dollars. She noted that forty-three applications had been received to date. She said that there would not be a downtown trick or treat like normal, but there was a couple trunk or treats in the works waiting on guidance from the Yakima Health District. She let people know she still had extra masks to distribute, and talked briefly about the upcoming series of conference calls between the SDA and Comprehensive Mental Healthcare every Thursday night at pm on Facebook Live through the month of October, which would cover topics such as suicide, substance abuse, and domestic abuse.

Mayor Raymond commented that the apple boxes around town are beautiful with the pumpkins added.

Ms. Henkle responded that they have some amazing volunteers and received donations of supplies.

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

I. Communications

1. Oral

Mayor Raymond opened the Public Meeting

City Attorney Case read aloud the rules of conduct as stated in the Agenda.

Executive Assistant Lake said that there were nine comments submitted, of which eight would not be read aloud. She read aloud the following statement provided via the online public comment submission form.

From Kalah Lalley, Selah:

Hello and good evening. I would like to address the Mayor, city council and our city administrator. I'd like you all to urge members of the public to stop taking yard signs. These signs have a right to be placed like any other. I think we can all agree that individual citizens should not be removing them, especially not from private property, which has now happened several times. Thank you.

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: September 8, 2020 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 83765 – 83779 for a total of $210,385.43
Claim Checks Nos. 75373 – 75427 for a total of $332,198.42

Council Member Peterson moved, and Council Member Matson seconded, approval of the Consent Agenda. By a show of hands, approval was unanimous.

L. Public Hearings **None**

M. General Business

1. New Business

a. *WALK ON* Youth Non-Voting Representative to Council

Council Member Matson moved to create a youth non-voting representative position on the Council, as she thinks the youth in the City need to be heard and could bring a valuable viewpoint and position to the Council.

Council Member Vargas requested that she explain what that means, how that person would be selected and what it would mean to be a non-voting member.

Council Member Matson answered that it would be a youth from Selah, and that this person could bring information from their peers that they feel is important for the City to look at. She added that it wouldn't be an elected position, so they wouldn't be a voting member but sit where staff sits and gives reports.

Mayor Raymond commented that when she researched this a year ago, she discovered that it's usually a member of the ASB that the President of the ASB chooses, and that there would be a list of rules for them to abide by.

Council Member Matson suggested an application process, that would also give experience to people who may not be in a leadership role.

Mayor Raymond replied that there is an application that could go out to any high school students.

Council Member Carlson remarked that he had a conversation with Council Member Matson on the subject, and likes both the idea and the application process, adding that even if it isn't someone from the ASB that person would likely attend the ASB meeting and receive reports. He felt that getting their perspective is important.

Council Member Wickenhagen inquired if they were looking for a second and a vote on it.

Mayor Raymond responded that she believed so, but deferred to Council Member Carlson.

Council Member Carlson felt that Council Member Matson summarized it pretty well, and that it would offer a perspective on what is important to youth.

Council Member Matson stated that she did a make motion to create a youth non-voting position on council.

Council Member Carlson seconded the motion.

City Attorney Case inquired if the motion was intended to establish the position subject to further agreement between Council to refine the position, such as the potential age for person to be considered a youth and what the duration would be for any person to serve. He suggested that further clarifications would be beneficial and perhaps the motion should be for the establishment of such a position subject to further refinement as agreed upon by Council either informally or by vote at the October 13 meeting.

Council Member Peterson was unclear as to whether they were creating the position to be defined at some other date or were looking to form a committee to define what that position would be and bring that matter back to Council.

Council Member Matson commented that she was more than willing to have them create a committee to define everything they need to define, and was also willing to withdraw her motion with the knowledge she that would like to create a two to three-person committee to do what needs to be done to outline the position specifically.

Council Member Peterson suggested that she change the motion to a vote on moving forward to define the position rather than withdrawing it.

Council Member Bell remarked that they had talked with teachers of the high school government class a few years back I know a few years back about council members making presentations in lieu of students

attending council meeting. He added that he would like to see them at least include the teachers teaching government in the conversation on what might be appropriate and more spread out to give more students that experience.

Council Member Carlson liked Council Member Bell's recommendation. He told Council Member Matson that he wouldn't withdraw the motion but amend it to create the position with a plan to have those discussions by a certain date to keep priority on the idea.

Council Member Matson revised her motion to create a youth non-voting representative position on council, create a committee to outline the position clearly, and to have it completed by the last meeting in October. Council Member Carlson seconded the motion. By a show of hands, approval was unanimous.

2. Old Business **None**

N. Resolutions

1. Resolution authorizing the Mayor to sign a "Police Chief Employment Contract" with Daniel V. Christman

City Administrator Wayman addressed N – 1. He explained the fiscal impact and funding source for the police chief contract with Daniel Christman, noting that this was the first time that the Council had been asked to approve a contract with a new police chief. He said that Mr. Christman was the unanimous choice of the Mayor's selection committee, comprised of Bill Harris, Captain Seeley from the Yakima Police Department, former Council Member and retired Washington State Trooper John Tierney, Council Member Peterson, and himself, adding that they had a very thorough vetting of candidates. He went on to say that Mr. Christman has a very impressive resume, and read aloud a few comments received from people he's worked with in the past that were compiled as part of the background investigation.

John Tierney addressed the Council, thanking them for the opportunity to address them that evening. He said that he was pleased to have been on the selection committee for Mr. Christman, adding that he has interviewed hundreds of people for law enforcement positions throughout the state of Washington, interviewed people for promotion to sergeant and appointment to chief's positions, and in all those years he had never been as impressed with a candidate as he was with Mr. Christman. He mentioned the six-year termination clause in the contract, saying that he suggested approval of that because it lapses over into the political area for appointment of an officer, and it would be unfair for Mr. Christman to lose employment if a new mayor was elected who wanted to change the administration of the Police Department. He finished by saying that he felt they were very blessed in the City of Selah to have someone of his caliber put his name in for the list of appointments to this position.

City Administrator Wayman requested that Mr. Christman speak to the Council.

Daniel Christman addressed the Council. He said that he was humbled to hear such kind and gracious words from so many people, thanking Mr. Tierney for his comments, and also Council Member Peterson. He spoke briefly about his background and career, including training and certifications, and ended by saying that he and his wife look forward to becoming a part of the Selah community.

Council Member Carlson thanked him for being there but questioned why he would choose Selah when he was in a large department previously.

Mr. Christman answered that he wanted to come back to Yakima County, and there are very few opportunities for a chief's position. He went on to say that there were two other positions that opened up when Selah did, and he chose to run for the Selah position as he likes the city and the area, which he and his wife visited for dinner, music or entertainment even when they lived by Tri-Cities. He commented that he's comfortable with the size of the department and would be working with the men and women in the department to see what could be done to help them do their jobs better and more efficiently.

Council Member Peterson echoed the comments made about the interview process, saying that he was honored to be on the board and be part of the interview process, and that Mr. Christman was a very well-qualified unanimous choice for recommending.

Council Member Peterson moved, and Council Member Bell seconded, to Approve the Resolution authorizing the Mayor to sign a "Police Chief Employment Contract" with Daniel V. Christman.

Council Member Carlson requested more discussion on the contract specifically, saying that they were allowed to discuss the contract.

City Attorney Case agreed that they could discuss the contract.

Council Member Carlson wished to discuss sunsetting the severance, which he felt was a good middle ground given his concern over the amount of praise heaped on Mr. Christman combined with the six-month probation listed in the contract. He added that his other concern was that Selah is a strong mayor form of government, yet numerous parts of the contract call out that the City Administrator is the only person to make a decision. He opined that it should be the Mayor or their designee, as there could be potential issues if they lose the City Administrator with no way for the Mayor, Mayor Pro Tempore, or the Council to have input until a new city administrator is hired. He recommended changing every mention of the City Administrator to Mayor or their designee, and to have no probation in the contract.

City Administrator Wayman remarked that the six-month probation was a boiler plate item that he had no problem removing, going on to say that as far as the other concern, the only authority the City Administrator has is through the Mayor, and it can be delegated to another employee at any time by the Mayor. He didn't see the necessity in changing that language.

Council Member Carlson disagreed simply because his ability to make a recommendation, evaluation or anything like that still holds, but per the contract it says roughly annually thereafter or otherwise deemed appropriate by the City Administrator, which says that the Mayor cannot have an evaluation with the Police Chief. He felt it still needed to say the Mayor or designee.

City Administrator Wayman had no issue with that.

City Attorney Case asked if he was focusing on paragraph five or somewhere else as well.

Council Member Carlson replied anytime it provides authority specifically to the City Administrator.

City Administrator Wayman pointed out paragraph eight as well.

City Attorney Case suggested bringing forth a motion that was worded to approve it in the form currently before Council, with an adjustment done either by adding the words 'or such other designee as the Mayor may choose' in parentheses immediately after the words City Administrator, or to add another paragraph 8.7 that would say something like every instance where this contract refers to action taken by City Administrator can instead be taken on a case by case basis by the Mayor's designee. He remarked that with regard to the severance it sounds like he is wanting to redact or omit some terms on the page.

Council Member Carlson said that he was concerned with the probationary period.

Mayor Raymond inquired if he was asking to eliminate the probation period.

Council Member Carlson replied in the affirmative.

City Attorney Case didn't think the phrase 'probationary period' was in the contract, although it does state that his performance would be reviewed in six months and that severance would be triggered id the termination for certain circumstances takes place after six months.

Council Member Carlson agreed.

City Attorney Case wondered if he was wanting to redact that.

Council Member Carlson answered in the affirmative.

City Attorney Case recommended that they either stylize the motion or make it subject to City Attorney Case's verbal articulation.

Council Member Carlson commented that his personal opinion was that the contract should represent their strong Mayor form of government.

City Attorney Case was fine with that.

Council Member Peterson asked if Council Member Carlson needed to make a motion for amendment.

City Attorney Case replied that because his motion was done and seconded they either need action or the motion withdrawn.

Council Member Carlson told his fellow Council Member that he controlled the motion to either keep as is or amend.

Council Member Peterson amended his original motion to Resolution authorizing the Mayor to sign a "Police Chief Employment Contract" with Daniel V. Christman pending the changes which City Attorney Case has indicated clarifying all the places that it makes a direct reference to City

Administrator to indicate it is by the mayor or designee, and to strike the language in paragraph 6.1. Council Member Wickenhagen seconded the motion. 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 Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

2. Resolution Authorizing the Mayor to Sign An Updated Section 125 Cafeteria Plan

Clerk/Treasurer Novobielski addressed N – 2 He said that this Resolution pertained to the annual update to the Section 125 cafeteria plan, which the City adopted in 2004 in accordance with the IRS code to allow them to exempt voluntary insurance contributions, and as a result of this plan the City doesn't have to deduct FICA from employee share or match FICA on that, resulting in a savings to both employer and employee. use a firm to provide us this annual contract, this year they upped the price by $20, will be $175 per year for annual update and we save much more than that besides savings to employees, ask for approval

Council Member Bell moved, and Council Member Wickenhagen seconded, to Approve the Resolution Authorizing the Mayor to Sign An Updated Section 125 Cafeteria Plan. 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 Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

3. Resolution Authorizing the Mayor to Sign an Amendment to the Coronavirus Relief Funds Interagency Agreement

City Administrator Wayman addressed N – 3. He said that the amount of coronavirus relief funds from the Federal government has increased by an additional one hundred nineteen thousand, four hundred seventy-five dollars, and that this amendment is for the City to accept these additional funds for distribution, most of which will go to local businesses that qualify for CARES business grants.

Council Member Vargas commented that Ms. Henkle was doing a great job getting word out to all these businesses and making sure anyone eligible knows about this, including an increase for requested amounts from five thousand to fifteen thousand dollars.

Council Member Wickenhagen moved, and Council Member Vargas seconded, to Approve the Resolution Authorizing the Mayor to Sign an Amendment to the Coronavirus Relief Funds Interagency Agreement. 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 Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

O. Ordinances

1. Ordinance Amending the 2020 Budget for Legal Services

Clerk/Treasurer Novobielski addressed O – 1. He said that this ordinance was to adjust the budget for legal services by an increase of four thousand dollars, which satisfied the contract amendment from the August 25 meeting with effective dates of September 1 to December 31, and referred Council to the AIS with its list of allocations.

Council Member Carlson remarked that he had talked with City Attorney Case and did some research on the legalities, and concluded that this was a contract Mayor is eligible cast a tie-breaking vote on, so the motion did indeed pass.

Council Member Matson moved, and Council Member Peterson seconded, to Approve the Ordinance Amending the 2020 Budget for Legal Services. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – no; Council Member Peterson – yes; Council Member Bell – yes; Council Member Costello – yes; Council Member Carlson – no. Motion passed with five yes votes and two no votes.

2. Ordinance Amending Ordinance 2090 Regarding the 2020 Base Salary and Wage Schedule for Management, Confidential and Unrepresented Employees

Clerk/Treasurer Novobielski addressed O – 2. He said that this was an ordinance amending the salary ordinance for the position of police chief to change the monthly payrate, and that, as was explained in the presentation of the contract, it still results in the same amount of budgeted payroll costs for position as currently exists in the budget.

Council Member Carlson wondered why they used different cities for review compared to those used previously. He went on to say that he went into the AWC salary survey pool and requested a report of police chief positions from cities with nine to twelve thousand population, although his understanding was that they previously used a specific list of towns or a similar list of Yakima Valley cities.

Clerk/Treasurer Novobielski responded that he hadn't been involved in determining salary surveys in the past, and perhaps the human resources person would have used other cities than those he used.

Council Member Wickenhagen moved, and Council Member Vargas seconded, to Approve the Ordinance Amending Ordinance 2090 Regarding the 2020 Base Salary and Wage Schedule for Management, Confidential and Unrepresented Employees. 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 Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Deputy Fire Chief Lange gave a brief update, saying that the big incident in their area has calmed down, all of their apparatus from the capital budget have been completed and are in service, and they had a late incident today.

Deputy Police Chief Steen said that they are excited to have the new their new chief there and they look forward to doing great things together.

Clerk/Treasurer Novobielski talked briefly about the exit conference for the 2018-2019 financial and the single audit required for the East Goodlander project, saying that he was working with the auditors on understanding the modifications needed for internal written procurement policies in the future. He noted that he was hard at work on the 2021 Budget, and they would be receiving the budget calendar shortly.

Recreation Manager Schab had no report.

City Attorney Case had no report.

2. Council Members

Council Member Wickenhagen had no report, but did say that there would be a meeting tomorrow with the Yakima Valley Visitors and Convention Bureau.

Council Member Peterson expressed his thanks to all who applied for the vacant Council position for their interest in getting involved in the community. He welcomed Council Member Costello.

Council Member Bell welcomed Council Member Costello. He gave a brief report on the aquatic center, saying that they are exceeding revenue to labor costs and have dipped into reserve funds to continue operating through October 2. He remarked that Council Member Carlson, Council Member Peterson and himself were appointed to a committee to come up with some kind of information on a code of conduct for all areas of city, including Council, senior staff ,and other employees, and would have that information coming back as directed for a study session. He requested a 4:30pm study session for the next Council Meeting, and noted that Executive Assistant Lake would be emailing materials out prior to the Study Session.

Council Member Vargas welcomed Council Member Costello and Mr. Christman.

Council Member Carlson welcomed Council Member Costello. He said that the committee to make recommendations for CARES grant money has changed slightly, as one member had to leave and has been replaced by Barb Petrea.

Council Member Matson welcomed Council Member Costello and Mr. Christman. She expressed condolences to the family of Norm Childress, saying that they had a moment of silence in memoriam at the YVCOG meeting last week.

Council Member Costello had no report but thanked Council for having faith in him and making him their selection. He looked forward to working with each and every one of them and the citizens of Selah.

3. City Administrator

City Administrator Wayman had no report.

4. Boards **None**

5. Mayor

Mayor Raymond welcomed Council Member Costello, saying that she looked forward to working with him. She told Mr. Christman that she's excited to have him on board and in their community, and she believes he will be a great asset to the department and the City of Selah.

R. Executive Session

1. ****Relocated**** 45 Minute Session to consider the qualifications of a candidate for appointment to elective office - RCW 42.30.110 (1) (h)

2. 20 Minute Session – Real Estate RCW 42.30.110(1)(c)

Council went into Executive Session at 7:40m. At 7:00pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

Council Member Carlson moved to authorize City Administrator Wayman to negotiate as long as the price doesn't hit the floor discussed in executive session.

City Attorney Case requested that they describe the real estate in question.

City Administrator Wayman read the legal description of the parcel into the record.

Council Member Carlson amended his motion to clarify that the lot was that read by City Administrator Wayman, to allow him to negotiate as long as the price doesn't hit the floor discussed in executive session. Council Member Peterson seconded the motion. Motion passed unanimously by a show of hands.

Mayor Raymond suggested that they discuss holding a study session next meeting.

Council Member Bell said that the committee was asking for an hour to go over the information.

Mayor Raymond polled the Council, and the decision to have a 4:30pm study session was unanimous.

S. Adjournment

Council Member Costello moved, and Council Member Bell seconded, that the meeting be adjourned. By a show of hands, approval was unanimous.

The meeting adjourned at 8:03pm.

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

Michael Costello, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer