City of Selah
Council Minutes
November 24, 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; Michael Costello

Members Absent: None

Staff Present: Donald Wayman, City Administrator; Rob Case, City Attorney; Dale Novobielski, Clerk/Treasurer; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; 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 Matt Alexander gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/Presentations

1. Katrina Henkle, Selah Downtown Association – Update

Katrina Henkle, Selah Downtown Association (SDA) Executive Director, addressed the Council. She said that Chief Christman started his meetings with businesses last week, and they would continue holding meetings via Zoom. She remarked that the lighted trucks would be coming into town December 4, starting on Southern Avenue at 5:30pm, and that a map would be posted on the SDA Facebook page. She encouraged people to shop small, shop Selah for small business Saturday, to support local businesses.

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 three comments submitted.

From Bill Callahan:

Combining the HR and City Attorney jobs is a terrible idea. Do not make this irreparable mistake.

From Taryn Franck:

In my opinion it is completely inappropriate to combine the human resource position with legal services. I urge the council members to not even consider this as an option and ask that the city consider other applicants for the human resource position.

From Jim Mesplie:

Good evening,

I am writing in regards to the proposed 2021 City of Selah Budget and my concern about consolidating the full-time City Attorney position and the HR function under one role.

I assume Mr. Rob Case, since he is currently contracted with the City of Selah, has his own legal practice outside of his normal duties right now. To make him an full-time employee as a City Attorney while maintaining his own private practice I think that's not changing anything work wise, just a title and employee benefits to boot. To throw in responsibilities of Human Resources would not only be too much but more importantly shouldn't be the same person. I've worked in organizations that HR & Legal are in the same department but never would they be the same person and those departments were at the top of the organization chart to maintain independence.

To save a mere $16k in regular pay when all of the City employees do not have a true Human Resources professional working for them in regards to employee benefits, employer-employee relations, maintain employee policies and keeping them updated as labor laws change, addressing employee complaints/questions/concerns. I believe, as a result, there would be some employee turnover and the City of Selah could lose some great employees for a small amount of savings overall.

Thank you for your time,

Jim Mesplie

Mayor Raymond closed the Meeting.

2. Written **None**

J. Proclamations/Announcements **None**

K. Consent Agenda

Council Member Peterson moved to add N – 4 to the Consent Agenda.

Council Member Vargas stated that she had a question regarding N – 4.

Council Member Peterson withdrew his motion.

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: November 10, 2020 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 83898 – 83910 for a total of $201,884.71
Payroll Checks Nos. 83911 – 83948 for a total of $141,530.94
Claim Checks Nos. 75699 – 75763 for a total of $329,553.47

* 3. Resolution N – 2: Resolution Declaring and Accepting the West Goodlander Road Resurfacing and Sidewalk Improvements TIB Project Number P-E-182(P01)-1 / 3-E-182(005)-1 as Complete

* 4. Resolution N – 3: Resolution Authorizing the Mayor to sign a "WSDOT Supplemental Agreement Number 6 Between the City of Selah and HLA Engineering and Land Surveying, Inc. for Construction Services of the East Goodlander Road Improvements Project"

* 5. Resolution N – 5: Resolution enacting Temporary Suspension of the Requirements and Enforcement of SMC 10.34.020 Off-Street Parking Spaces Table 34-1 Retail, Trade, and Services land use category for existing businesses located within the Professional Business and General Business zoning districts who choose to expand or establish outdoor sales areas

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

L. Public Hearings

1. Closed Record Public Hearing to Consider the Hearing Examiner's Recommendation Regarding a Rezone PD-2020-001) of the subject property to Planned Development and approval of the Preliminary Plat of "Hillside Estates" (PLP-2020-002) and Adopting Findings and Conditions of Preliminary Plat Approval

Community Development Supervisor Peters addressed L – 1. He said that this was a Closed Record Public Hearing on the Rezone and Planned Development for the preliminary Plat of Hillside Estates and

for adoption of the findings and conditions of preliminary plat approval. He went on to say that the developer, NCW aka Selland Construction of Wenatchee, Washington, was also the developer of record of the Valhalla subdivision, and that their master Planned Development in the vicinity of West Goodlander, Lander and Speyers Roads, proposes seven developable single-family residential lots with one lot designated as open space. He added that the Hearing Examiner held an Open Record Public Hearing on 8/9/2020 and issued his recommendation of approval subject to the conditions and previsions of the Planned Development Ordinance, and the two members of the public present were Serena Rose and the applicant Stephanie Flowers who represents Selland Construction. He commented that the Hearing Examiner's hearing was conducted via Zoom in accordance with State law, with notices placed in the paper and sent to abutting property owners, and that appropriate notice was also given for tonight's Closed Record Public Hearing, during which only those members of the public who spoke at the Open Record Pubic Hearing may speak. He recommended that Council hold the hearing, take testimony, and approve the accompanying Resolution and Ordinance approving the Planned Development.

Mayor Raymond opened the Closed Record Public Hearing.

Council Member Carlson remarked that the Hearing Examiner talked about the requirements of grade and the roundabout diameter as pertained to a private road, as it didn't fall under public road, reading aloud the relevant portion of the Hearing Examiner's recommendation from the Council packet. He requested clarification as to whether it was a public or private road, referencing an email from Ms. Flowers, also in the packet, that mentioned it was intended to be a public road.

Community Development Supervisor Peters replied that when Selland submitted the application, their hope was that it could be developed as a public road and that Selland had unsuccessfully tried to purchase enough property from an abutting property owner to make a public road. He went on to say that they proceeded as if Selland were able to develop that right of way, but they were unable to do so, and Fire has reviewed and approved the turnaround and grade, submitting a letter to Public Works accepting that. He noted that the neck down portion of the entry that meets Public Works standard for road width.

Council Member Carlson asked for confirmation that they have a letter from Fire Chief Hanna saying that those are satisfactory as shown in their design.

Community Development Supervisor Peters replied in the affirmative, noting that the Hearing Examiner didn't have it at the time, as they were still in the process of trying to work through a design at that time.

Council Member Carlson inquired as to the slope area and usability of the lot to be a common area.

Community Development Supervisor Peters responded that it was quite steep, but they put forth a design to have it be a walking area with benches to view the area around.

Stephanie Flowers, Selland Construction, said that she didn't know the grades for parcel off hand, but design-wise they looked at making it the most usable space they could.

Council Member Carlson asked if it was to be a walking space.

Ms. Flowers answered that it would be either a walking space or a green space.

Council Member Carlson wondered about a time requirement for completion.

Community Development Supervisor Peters didn't believe that the Hearing Examiner put in a time requirement, although he added that it would be prior to the last building permit that they finalize that the space was constructed before finalizing the whole development.

Council Member Carlson expressed confusion over the notes on the Conditions, Covenants, and Restrictions (CCRs), as there was no date given for those adjustments, making it unclear whether they were done before or after the Hearing Examiner's recommendation.

Community Development Supervisor Peters replied that it came after, and that it was a requirement of the Hearing Examiner that they submit them as the Ordinance requires that they submit CCRs for final review and approval. He noted that they did provide Selland some general comments about them, and while they do meet the intent of the Planned Development Ordinance, but they aren't finalized yet.

Council Member Bell indicated what he felt was a misprint on Exhibit 1-E where it says the analysis to City of Yakima arterial streets.

Community Development Supervisor Peters responded that he thought that was a misprint.

Council Member Costello was curious about what would happen in the winter coming down that hill, as people still struggle coming down and stopping on Lander during inclement weather. He wondered if they had discussed how they would be addressing that issue.

Community Development Supervisor Peters answered that the developer or homeowner's association would be required to have a road maintenance fund for things like snow removal and deicing to make sure the road was passable for emergency vehicles at all time.

City Administrator Wayman asked if the grade exceeded ten percent and if so, by how much.

Community Development Supervisor Peters thought it was eleven percent.

Ms. Flowers confirmed that it was just over eleven percent, adding that the other thing the engineers looked at was the runout at the bottom and where the slope transitions, to make sure the road flattens out coming into the stop sign, and that it is flatter coming out of Speyers then coming up into a grade.

Council Member Costello wondered if there would be liability issues for the City.

Community Development Supervisor Peters replied in the negative, saying that because it's a private road they're responsible for keeping it clear.

Ms. Flowers added that they did submit a draft of the road maintenance agreement as part of the HOA.

Community Development Supervisor Peters commented that was what Council Member Carlson was commenting on earlier.

Mayor Raymond asked if they had a motion.

Council Member Carlson answered that it would be done later.

Community Development Supervisor Peters concurred, saying that they should close the hearing and move onto other items.

Seeing no one else wish to speak, Mayor Raymond closed the Closed Record Public Hearing.

2. Open Record Public Hearing to discuss the proposed 2021 Budget for the City of Selah

Clerk/Treasurer Novobielski addressed L – 2. He said that Council held Zoom meetings Wednesday, Thursday, and Friday last week to discuss the 2021 budget and reviewed the highlights of the proposed budget as proposed.

Council Member Carlson inquired if this was an Open Record Public Hearing.

Mayor Raymond replied in the affirmative. She opened the Public Hearing, reminding the public to stay on the topic of the 2021 Budget and to raise their hands if they wish to speak.

Julianne Moore was recognized and invited to speak.

Ms. Moore commented that the new budget allocates funds to hire the Human Resources (HR)/Attorney position.

City Administrator Wayman replied that in the proposed budget they have allocated funds to hire the attorney position and would consolidate HR with that position as it stands at this point.

Ms. Moore asked if it would go out for open recruitment so people can apply.

City Administrator Wayman responded that was a question is for another day, as she was asking about deliberations the Mayor and himself would have at a later date, noting that typically they go in-house first, and although they haven't explored that with the current City Attorney, they would if Council sees fit to approve the position.

Council Member Bell remarked that he would be more comfortable adding a full-time attorney position that wasn't directly tied to HR by title.

Council Member Carlson echoed Council Member Bell to a point, saying that one thought he had was that they don't have a forever need for a full-time attorney. He wondered if they had considered offering an annual increase based on additional hours requested and allow him to have additional clients, then reduce back when needed.

Mayor Raymond answered that they didn't discuss that; they discussed the need for a full-time attorney.

Council Member Carlson recommended that they could save approximately fifteen thousand in benefits going that route while allowing the City Attorney to do additional work on the side and manage his load. He referred to the provided organizational chart, asking about the finance assistant position listed under Clerk/Treasurer that he wasn't sure was discussed during budget meetings.

City Administrator Wayman responded that he was looking at a part-time employee to replace Ms. Huri, and that there would be a budget adjustment if they need to do that.

Clerk/Treasurer Novobielski commented that the current budget does contain payroll costs for that part-time position up front, but he was thinking to explore increasing some of the hours up front not to exceed twenty hours a week. He went on to say that currently his department is using approximately sixty percent of that fifty percent position, with Ms. Huri serving a lot more time at Fire.

Council Member Carlson asked if that was considered in the 2021 proposed budget.

Clerk/Treasurer Novobielski answered that it was budgeted, but not at a full fifty percent.

City Administrator Wayman stated that there would be more discussion about that later.

Council Member Carlson had concerns about raises being provided throughout the City above and beyond the planned two percent and requested the reasons why making they were making those proposals when they were unsure what to expect in 2021 based on COVID restrictions.

City Administrator Wayman said that his proposal to offer City Attorney Case more money to do more work for the City even though the current contract doesn't break down by hour has some realities that would strike against doing that, as City Attorney Case has a lucrative practice as it is, and if they ask for thirty percent more than he currently does, what does that do to his practice and would he even do that. He believed that it would put their current contract attorney at a disadvantage economically to ask him to eschew clients for a period of time based on the City's needs.

City Attorney Case stated that to his knowledge there had been no previous discussion about increasing the monthly amount, but it would be one City Administrator Wayman and the Mayor would have. He went on to say that it's a little hard to assess the merits of that in the abstract, as like anything in life seems like everything happens at the same time, and as far as comments regarding the attorney's practice, he hasn't been offered nor is he thinking about an in-house job. He added that the bulk of his practice in a normal year is court work, as he's a litigator in courts all throughout the State, and the reality would likely be his practice taking more and more of his time during work hours rather than being able to devote more time to the City on a contract basis.

City Administrator Wayman asked if they had answered adequately.

Council Member Carlson replied in the affirmative.

City Administrator Wayman said that, with regard to the four clerical employees, those individuals were proposed a three hundred dollar a month increase above and beyond the two percent for internal balancing with regard to pay for Police Department union employees and the intent to get an established balance back into place. He added that they also looked at outside municipalities and would be keeping pace with other municipalities, using the recent hiring of their Accounts Payable/Payroll clerk as an example. He explained that these individuals aren't just clerks, as Executive Assistant Lake handles the minutes and just about anything else the Mayor, himself or Council needs for administrative support; Court Administrator/Clerk Garcia handles the court responsibilities; Utility Billings Clerk Bigby knows almost everyone in Selah, and the new Accounts Payable/Payroll Clerk Angela Dean is a star. He commented that he doesn't want those having a hard time to think they are thumbing their noses at them and proposing raises for those who don't deserve it, as these folks are overdue and need to be paid at a competitive rate.

Council Member Carlson requested clarification on how long the newest clerk had worked for them.

City Administrator Wayman answered that she had been there a month.

Council Member Carlson questioned her coming there for the competitive rate and the giving her a seven percent raise.

City Administrator Wayman pointed out that the wage needs to be competitive. He said that Public Works Administrative Assistant Groo has had an increase in responsibilities from last year, as she does most of the administrative load for Public Works Director Henne, and as she's significantly improved in the way she gets work done, Public Works Director Henne proposed this raise to reward her for both her improvement and the increased responsibility she has. He commented that, with regard to Clerk/Treasurer Novobielski, Public Works Director Henne and Fire Chief Hanna, the proposal would keep them on par with the new Police Chief, but it was left to Council to decide whether they wanted to have equal and commensurate department heads to be equal with the Police Chief. He noted that Public Works Utility Supervisor Jones has increased some responsibilities under Public Works Director Henne and is handling more administrative responsibilities than he had in the past, and finished by saying that Planning & Building Permit Specialist Tucker has a small raise.

Council Member Carlson requested clarification on the increase in pay to the Public records Specialist over last year.

City Administrator Wayman replied that it aligns their Public Records Access Clerk with other cities, putting her in the middle of the pay zone for Public Records Access Specialist with similar sized cities,

Council Member Carlson pointed out that it was a nineteen percent increase over the previous person in that position and wondered if they were expecting an increase when she was no longer in training.

City Administrator Wayman responded in the negative, as she's coming from the Parks & Recreation Department as a department head in a lateral move to the specialist job.

Council Member Carlson inquired as to how employees establish longevity in a position.

Clerk/Treasurer Novobielski asked if he was talking about the annual longevity pay.

Council Member Carlson wondered how one qualifies.

Clerk/Treasurer Novobielski answered that on the employee's fifth anniversary there's a two percent amount paid the Monday before Thanksgiving, and at ten years that amount is increased to five percent. He went on to say that the latest Teamsters contract had those who have twenty years increased to seven percent, and he believed they had ten or more people with an excess of twenty or more years.

Council Member Carlson was of the opinion that they should not be combining these two positions and if they have a significant need at any time for an HR position that it would be independent. He also didn't feel there was justification to raise salaries to be in line with one department head, are there are numerous factors that go into why raises should be given.

Council Member Matson did see a need for a full-time attorney, as she believes there is more than enough work on that level alone, and would like for that to be considered as an option without the HR added. She echoed Council Member Carlson's concern about wages for the three department heads, as the assumption was when hired they hired the Police Chief that there was a negotiation for that wage and in her opinion, they shouldn't bring up other wages to meet that negotiated wage.

Council Member Wickenhagen agreed there was a need for a full-time attorney, although he didn't like combining that with HR. He suggested they explore hiring a contract HR person on an as-needed basis. He also disagreed with an increase to meet the Police Chief's wages, adding that usually the Police Chief is paid more than other department heads.

Council Member Matson wanted to clarify that is they hire a full-time attorney, that attorney would be representing the City of Selah and not have outside clients.

City Administrator Wayman replied that would be correct, but they need to remember that the person would need to have the opportunity to offload other clients, as any candidate worth their salt will have clients they need to allow to manage cases until they're through, without taking on new cases.

Council Member Matson thanked him for the clarification.

Council Member Vargas echoed the desire for an independent HR person and considering a part-time contract person, and also the concerns regarding significant raises. She appreciated the desire to retain the people they have, but cautioned justifying raises to match a contracted rate. She expressed curiosity as to whether they would be separating the HR and attorney position, the salary they would be offering, and how it compared to outside municipalities, as the rate they were seeing was a significantly higher rate than what was shot down in July of last year.

City Administrator Wayman responded that the salary for the position is close to or equal to the City attorney in Yakima, although he has a full staff of attorneys and clerks while this would be a standalone person who would have to handle all their own clerking and research. He went on to say that right now they were had a part-time attorney at one hundred twenty thousand annually, and given how shallow and wide the pool of qualified attorneys is in this region, they would be adding medical, dental, vision and

An additional forty thousand per year above the amount currently paid for a part-time attorney to secure a qualified individual. He noted that Ellensburg was comparable but they also have an assistant attorney, and opined that they have hit the sweet spot for legal services to have the right person.

Council Member Peterson echoed the sentiment that one big hang-up they have is with the title, as he does see the need for a full-time attorney, such as they had until recently. He didn't recall whether they had someone officially designated at HR aside from Human Resources Manager Potter, but he didn't see that as a full-time need. He said that as far as equalization pay goes, he wondered who they were equalizing it with, opining that pay needs to be done on experience and merit, and they need to be competitive with similar pay for similar responsibilities across the board. He understood the logic but wasn't sure the numbers were matching yet.

City Administrator Wayman stated that at present he was handling eighty percent of the HR work and would be happy to do so as long as his tenure lasts, noting that it's an addition of duty but not significant enough to keep him from accomplishing what he needs to do on a daily basis as the City Administrator. He remarked that they could drop the HR moniker from the City Attorney position, although they wouldn't be hiring another HR specialist as it was a position that was ad hoc so he didn't have to layoff an intelligent and capable individual.

Council Member Carlson questioned the five-thousand-dollar payment for medical benefits to the City Administrator when there was an agreement in 2015 that they would compensate him rather than pay medical benefits.

City Administrator Wayman explained that when the auditors for NW Administrators did an audit a year ago regarding how the City was paying for insurance through Teamsters Plan Z they required that the City pay for him to stay in the plan, which he hadn't been in previously, or they would drop the non-represented employees. He went on to say that after doing some research it was determined that a competing plan without that requirement would cost thirty to seventy thousand dollars more than what they would pay for the whole group, and when doing research on another plan this year for the budget they couldn't get within twenty-five thousand including what they are now paying for him to be included. He noted that he is not exercising those benefits, but the City continues to benefit by going through Plan Z with benefits to employees and savings to the City in providing those benefits to employees. He finished by saying that the Mayor was aware of this, City Attorney Case has reviewed it, and they consider it to be a benefit to the City and its employees.

Council Member Carlson reiterated that they have a contract that says they won't pay benefits for the City Administrator.

City Administrator Wayman opined that he was twisting the contract.

Council Member Carlson said that it established the opportunity to not provide medical benefits to the City Administrator and they paid an additional benefit to him for that, but now they're paying five thousand more even with that contract.

City Administrator Wayman responded that when they did the modification in 2015 that insurance company had no issues with him on contract, and Teamsters didn't catch him not being on the contract

for a period of two years, but their audit at the third year would have cut out all non-represented employees if he wasn't added. He added that he asked the City Attorney if it was a breach of contract, but as he doesn't utilize the insurance they do not believe it is.

Council Member Carlson reiterated a second time that there was a change in his contract where they provided him more money in 2016 in exchange for not providing medical benefits, and now they are paying an additional five thousand dollars for his services.

City Administrator Wayman replied that they weren't paying additional.

Council Member Carlson said they were paying more than previously.

City Administrator Wayman stated that overall, they were paying a lot less.

Council Member Carlson answered that he would be happy to discuss where to make changes in his contract where they provided additional compensation to not pay insurance.

City Attorney Case said that City Administrator Wayman's summary was accurate, as there's his contract and the contract the City has with its health insurance provider. He added that they put up a fight, but the other side wasn't willing to budge, and at that point they did a cost benefit analysis shopping the market and determined that the options at that point were to spend a lot of money on a court fight they decided wasn't worth it, to go with a different provider, or to stay with the current provider, and that while he wasn't on board in 2016, the contract says what it says. He explained what lawyers call risk of loss or risk of unseen circumstances, and that he assessed the situation they were in and the options going forward and determined that the only option the City has would be to renegotiate the City Administrator's contract.

City Administrator Wayman commented that they would discuss the matter with Teamsters in two years.

Council Member Carlson agreed with City Attorney Case and understood the situation they're in, but felt that the additional five thousand wasn't negotiated to exist. He expressed discomfort with a full-time attorney unless they also have an HR position, adding that he appreciates City Administrator Wayman's comments but believes that should be an independent position and not handled by anyone else under any circumstances.

City Administrator Wayman observed that his assertion is that the HR person is not associated with or doesn't answer to management.

Council Member Carlson repeated that he felt there should be two positions.

Council Member Vargas was also uncomfortable with the HR duties going to someone who wasn't independent, whether to the City Attorney or the City Administrator position, and also didn't agree with comparing Selah to either Ellensburg or Yakima, as she didn't agree that him being a one-man show was a reason for a higher pay raise given what they had voted on just a year ago.

City Administrator Wayman responded that while Ellensburg is twice our size they have two attorneys, and Yakima has six attorneys, adding that there's enough work for one attorney here.

Mayor Raymond explained that in the past two years since they've had an HR person matters have gone to him, then the City Attorney, then herself and City Administrator Wayman, as kind of a group effort.

City Administrator Wayman commented that if Council is hung up on the HR moniker they don't need to add it to the City Attorney, as he could continue handling the day to day things as he has been doing. He opined that thinking that an HR director would be independent of the Mayor and himself is untrue, as the HR person isn't a father confessor or a separate entity who works independent of management.

Seeing no one else wish to speak, Mayor Raymond closed the Public Hearing.

M. General Business

1. New Business **None**

2. Old Business **None**

N. Resolutions

1. Resolution Approving the Preliminary Plat of "Hillside Estates" (PLP-2020-002) and Adopting Findings and Conditions of Preliminary Plat Approval

Community Development Supervisor Peters addressed N – 1. He said this was the Resolution approving the Preliminary Plat of Hillside Estates, recommended approval as the Hearing Examiner had conditioned it, and requested that the Council Member making the motion read aloud the recommended motion so that the conditions could be appropriated into the approval.

Council Member Wickenhagen moved, and Council Member Matson seconded, that the Council Adopt the Resolution Approving the Preliminary Plat of "Hillside Estates" (PLP-2020-002) and Adopting the Hearing Examiner's Findings and Conditions of Preliminary Plat Approval. 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 Declaring and Accepting the West Goodlander Road Resurfacing and Sidewalk Improvements TIB Project Number P-E-182(P01)-1 / 3-E-182(005)-1 as Complete

* 3. Resolution Authorizing the Mayor to sign a "WSDOT Supplemental Agreement Number 6 Between the City of Selah and HLA Engineering and Land Surveying, Inc. for Construction Services of the East Goodlander Road Improvements Project"

4. Resolution authorizing the Mayor to sign a "Consent to Transfer of LS Network Stock to InstarAGF Asset Management Inc."

Public Works Director Henne addressed N – 4. This is a Resolution authorizing the Mayor to sign a consent to transfer of LS network stock to InstarAGF Asset Mgt Inc, as the City has a franchise agreement with LS and in section four of the franchise agreement it states if they wish to sell off assets to another entity then the City is to recognize that right and agree to it in writing to let them take over and transfer the franchise agreement to a new entity who would then have to fulfill the conditions of the agreement.

Council Member Carlson commented that in section four the City has agreed to give the okay if they're selling the franchise, so they have no choice regarding approval.

Public Works Director Henne replied in the affirmative, saying that if someone buys it the new owner agrees to honor their franchise agreement with the City.

Council Member Carlson remarked that the letter to Public Works says that LS Networks would continue to operate facilities but not a physical office location.

Public Works Director Henne answered that it would be just the data network and cell towers.

Council Member Vargas asked if the service they provide is infrastructure for traditional internet.

Public Works Director Henne responded in the affirmative.

Council Member Vargas wondered if it would be reasonable to ask them about servicing all of the City of Selah, as there are limits to the infrastructure within city limits.

Public Works Director Henne replied that he didn't know if they were obligated to provide in areas where they can't reach, as some areas have drop out spots due to topography.

Community Development Supervisor Peters clarified that when providers reach out with a franchise agreement it's to use City right of way or poles, or leasing a cell tower on City property, and those don't extend to installing new facilities.

City Administrator Wayman remarked that the cell towers are owned by different entities and they sell access to other entities, adding that he and City Attorney Case were in the midst of reviewing offers to the City for rights to use the cell tower whose contract would be up in 2027. He noted that there was no contract to provide blanket service to a community; it's a free market system and they're trying to buy up space on towers on City right of way.

Council Member Carlson moved, and Council Member Bell seconded, to approve the Resolution authorizing the Mayor to sign a "Consent to Transfer of LS Network Stock to InstarAGF Asset Management Inc.". 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.

* 5. Resolution enacting Temporary Suspension of the Requirements and Enforcement of SMC 10.34.020 Off-Street Parking Spaces Table 34-1 Retail, Trade, and Services land use category for existing businesses located within the Professional Business and General Business zoning districts who choose to expand or establish outdoor sales areas

O. Ordinances

1. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. PD-2020-001 Rezone to Planned Development (PD)

Community Development Supervisor Peters addressed O – 1. He said that this goes with the Resolution they just passed, amending the City Zoning map from R-1 single family residential to Planned Development on the Zoning map, and recommended adopting the Ordinance.

Council Member Carlson moved, and Council Member Costello seconded, to Approve the Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. PD-2020-001 Rezone to Planned Development (PD). 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. Ordinance to Establish the Amount of Taxes to be Levied Upon Real & Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2021.

Clerk/Treasurer Novobielski addressed O – 2. He said that this Ordinance was to establish the 2021 tax levy in the amount of two million, one hundred seventy-nine thousand and eighty-one dollars, which would result in a total levy rate of two dollars and fifty-five cents assessed per thousand, or an increase of just over six dollars per two-hundred-thousand-dollar home.

Council Member Bell moved, and Council Member Peterson seconded, to Approve the Ordinance to Establish the Amount of Taxes to be Levied Upon Real & Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2021. 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.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Community Development Supervisor Peters said that he would have the 2018 building code adoption for next council meeting, and that on the Planning side of things they were seeing a lot of footing and

foundations going in as well as reroofs. He looked forward to seeing Council at the last Council Meeting of the year.

Public Works Director Henne said that they were still working on readiness of snow removal equipment. He remarked that the capital facilities plan came in as a draft today, and was under review by Community Development Supervisor Peters, Public Works Utility Supervisor Jones and Wastewater Treatment Plant Supervisor Neumeyer due to it encompassing different departments, and that he hoped to bring it to Council for adoption in January. He commented that he hoped to bring the water use efficiency policy to the December 8 meeting for adoption, and expressed appreciation for Council taking action on his items today.

Clerk/Treasurer Novobielski said that they have one more council meeting anticipated for the balance of the year on December 8, and that they hope to adopt a 2021 budget and a salary ordinance for 2021 at that time. He added that he would be discussing with the City Administrator tomorrow about possibly requiring an additional zoom budget meeting to come to an understanding as to what the final budget and salary ordinances may look like.

City Attorney Case gave a brief report on the appeal of the Owens litigation, saying that they had a hearing two weeks ago via Zoom by the Court of Appeals, and that within about six months the Court of Appeals should be giving them their decision in that case. He added that the only other litigation was new litigation on the OPMA, although he had no report on that. He remarked that he often sees comments online that the City has multiple lawsuits it's a party to, which isn't true, and that he was only aware of the Owens case on appeal and a new case filed earlier this month.

2. Council Members

Council Member Bell had no report.

Council Member Wickenhagen had no report.

Council Member Costello had no report.

Council Member Peterson had no report.

Council Member Carlson clarified that his no vote on the tax increase was a reflection of his desire to be careful and gain more of the public's trust when they were wanting to ask them for additional funding for a Police Station/City Hall in the future, and that he didn't see the need for an increase for the sake of an increase.

Council Member Vargas had no report.

Council Member Matson thanked the staff for all their hard work on the budget.

3. City Administrator

City Administrator Wayman thanked both the department heads and the entire staff for their hard work putting together the 2021 budget, adding that this was his sixth presentation of a budget to a City Council in the City of Selah and the last six years are a demonstration of the success they've had balancing requirements with actual available resources. He said that good advice and help from Clerk/Treasurer Novobielski has allowed them to deliver these balanced budgets year in and year out, as they never have a balanced budget when they start the process, and a lot ends up on the floor, postponed or moved to another year. He added that they were happy to reflect gains over last year and that he feels they would do even better based on sales tax returns for this year.

4. Boards **None**

5. Mayor

Mayor Raymond remarked that it was her fifth year doing the annual budget process, and it amazes her that when they have to cut something each year they never see anyone cry. She commented that during the budget process they are always looking down the road so they aren't caught shorthanded, and that she's pretty amazed at the work that goes into it.

R. Executive Session **None**

S. Adjournment

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

The meeting adjourned at 7:20pm.

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