City of Selah
Council Minutes
January 26, 2021

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; Dan Christman, Police Chief; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; Ty Jones, Public Works Utility Supervisor; Zack Schab, Parks & Recreation Manager; 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 Scott Ruark 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 talked about the SDA façade grant, saying that they were accepting applications for new projects to include items such as exterior rehabilitation, restoration, upgrades, awnings, and signage. She used Crave Coffee as an example of what could be done with the grant, noting that businesses who apply need to facing the public right of way in the SDA footprint, and that the grant is a reimbursement grant of fifty percent of costs up to ten thousand dollars. She stated that the application is available on their website, and applicants can email the application and supporting documents to selahdowntownassociation@gmail.com or drop them off at 8 North First Street by February 26, with the

winners to be announced mid- to late March. She asked those in attendance to share the information and let landlords know that it's available, and said that she is available every Wednesday from 8am to noon on Zoom to answer questions.

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

I. Communications

1. Oral

Mayor Raymond opened the Public Meeting, reminding those in attendance that the public comment form is available on the City's website and needs to be turned in by 4pm on the day of the Council 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, two of which would not be read aloud.

From Daniel Callahan, Selah:

The city clearly has an unconstitutional code when it comes to signs on public property. It's in violation of both the state and national constitutions, as evident by multiple court cases. The council should have definitely changed it by now in order to comply with the first amendment. There has been ample time (over 5 years) and yet Selah still has a code that violates citizen's rights. I'd urge our council to consider this issue tonight in order to prevent any further first amendment violations.

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: January 12, 2021 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 84001 – 84067 for a total of $244,442.33
Claim Checks Nos. 75994; 75996 – 76063 for a total of $499,252.35

**Council Member Carlson moved, and Council Member Costello seconded, approval of the Consent Agenda as read. By a show of hands, 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 an Updated Ballot Drop Box Property Use Agreement

Clerk/Treasurer Novobielski addressed N – 1. He said that, as he mentioned last Council Meeting, County Auditor Charles Ross had approached him about putting in an outside drop box for elections, and after discussing the matter with the City Administrator and Mayor, he notified Mr. Ross that they were interested. He went on to say that the provided him with an updated property use agreement to locate an outside drop box at the bottom of the steps at the entrance to City Hall, where there is currently a trash receptacle.

Council Member Bell remarked that the information provided says that the amount paid by each city is proportionate, but Selah's amount is two hundred fifty-three dollars while other cities are all less than that. He asked if it was based on the number of voters.

Clerk/Treasurer Novobielski replied that he did send in that question to the County Auditor a few weeks ago, and the response he received from Kathy Fisher was that the costs were determined based on the number of registered voters within each community, and as our number is higher, our cost is higher.

Council Member Bell responded that makes sense but he didn't realize their number was that much higher than others.

Clerk/Treasurer Novobielski answered that in Selah they have a higher percentage of citizens taking advantage of that opportunity.

**Council Member Bell moved, and Council Member Vargas seconded, to approve the Resolution Authorizing the Mayor to Sign an Updated Ballot Drop Box Property Use 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.**

2. Resolution Authorizing the Mayor to Adopt Right-of-Way Procedures

Public Works Director Henne addressed N – 2. He said that he's asking Council to authorize the Mayor to sign a Resolution for adoption of updated right of way procedures to be consistent with the local agency guidelines developed by the Washington State Department of Transportation, adding that the Public Works Department is responsible for acquisition on street right of way projects and they need to

have the procedures updated to reflect himself, the Mayor and the City Administrator as shown in the documents included with the packet.

Council Member Carlson observed that it lists Mayor Raymond specifically and wondered if that would need to be updated every time they get a new Mayor.

Public Works Director Henne responded in the affirmative.

Council Member Carlson asked if there was a way to make it more generic.

Public Works Director Henne answered in the negative, saying that they want the current Mayor listed. He noted that they did this a while back but these are new requirements, as the State has updated local agency guidelines.

Council Member Carlson inquired as to the last update.

Public Works Director Henne replied that it was probably almost six years ago.

Council Member Carlson wondered what was inspiring the change today, as the current Mayor has held her position for years.

Public Works Director Henne responded that they are adopting the current language for the Local Agency Guidelines manual and the Washington State Department of Transportation Right of Way Manual for property acquisition.

Council Member Carlson asked if it was updated recently.

Public Works Director Henne answered that he heard about it last summer and they need to get it done.

Council Member Carlson inquired if the Third Street project was the driving force behind this.

Public Works Director Henne replied in the affirmative.

Council Member Matson commented that she'd never seen anything like this document and wondered if Council had to approve any acquisitions given that it would be a real estate purchase.

Public Works Director Henne responded that City staff is authorized to provide offers, and if they exceed twenty-five thousand then they go through a different procedure, but Council has to authorize the expenditure of funds for acquisition.

Council Member Peterson clarified that although Third Street was the driving force, this is just to establish a procedure for right of way acquisition going forward, not specifically for that project.

Public Works Director Henne agreed.

**Council Member Bell moved, and Council Member Matson seconded, to approve the Resolution Authorizing the Mayor to Adopt Right-of-Way Procedures. 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 **None**

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Police Chief Christman informed Council that they are moving forward with recruitment hiring, with testing at the end of the week for entry level officers and a sergeant's assessment scheduled for February 2. He hoped to have a new sergeant by mid-February.

Fire Chief Hanna said that the only thing he had to report was that they were currently working on several federal grants when not running calls.

Clerk/Treasurer Novobielski said that he had promised the Department Heads that he would have the year-end financials to them by tomorrow, and that Council should expect a budget adjustment at the first meeting in February for carryover in cash and investments by fund.

Community Development Supervisor Peters had no report.

Public Works Director Henne commented that it would snow that night and to be ready for it in the morning. He said that there were envelopes in the Council Members' boxes containing a thumb drive with the water system plan for them to review, which was also posted on the City's website, and that he planned to have a study session on February 9 to discuss the plan. He noted that he would be sending it to the Department of Health next week for a ninety-day review period, and also needed to inform them that they had a study session and adopted the policies and goals to keep moving on this and get it adopted and done.

Council Member Bell inquired as to what time the study session would be.

Public Works Director Henne responded that was up to the City Administrator.

City Administrator Wayman asked Council when they would like to have a study session, saying that staff recommends a 3:30pm study session, and he would like to get some agreement on a time before moving on.

Mayor Raymond requested a show of hands for who would be okay with a 3:30pm Study Session.

Council Member Bell asked if it would be a two-hour Study Session.

Public Works Director Henne answered in the affirmative and requested that Council Members pay particular attention to the financial aspects in the plan, such as putting money into the reserve fund and future rates.

Mayor Raymond stated that it looks like an agreement for 3:30pm.

City Attorney Case had no report.

2. Council Members

Council Member Peterson had no report.

Council Member Matson aid that she attended her first Selah Chamber of Commerce meeting, and although she was late due to another meeting, found it to be a very interesting meeting. She added that she met with Brian Rafferty, the Selah Chamber President, yesterday and he filled her in with a lot of good information. She commented that they hope to have the Sip and Stroll in June and the Wine, Dine and Beyond later in the year.

Council Member Wickenhagen said that he met with Police Chief Christman and got a tour of the Police Station, which he hadn't been throughout before. He noted that tomorrow there would be a meeting of the Yakima Valley Tourism Committee, and he would have a report on that at the next meeting.

Council Member Costello had no report.

Council Member Bell had no report.

Council Member Carlson reminded everyone about the SDA façade grant for matching funds up to ten thousand dollars. He commented that they had discussed having a second representative from Council last time they talked and wondered if they had made a decision.

Mayor Raymond responded that there would not be two Council Members on the SDA board and Council Member Carlson would remain as the designee.

Council Member Vargas had no report.

3. City Administrator

City Administrator Wayman said that the have the Zoom Council Retreat tomorrow at 1pm, and he looked forward to talking to everyone tomorrow. He went on to say that the focus of the Retreat is spending priorities for the next ten to twenty years with regard to facilities and Public Works projects, as once they commit it becomes a long term commitment, and that they would try to present Council with enough information to start generating very focused ideas on where they should go to provide guidance to staff.

Council Member Carlson noted that Selah Community Days was officially cancelled for this year.

4. Boards **None**

5. Mayor

Mayor Raymond reminded Council to file their F-1 forms if they haven't done so yet, and to stop by City Hall to pick up the thumb drive for the water system plan and sign the documents in the red folder.

**Council took a five-minute recess to allow those in attendance via Zoom to leave the meeting.**

R. Executive Session

1. 45 Minute Session – Litigation RCW 42.30.110 (1)(i)

Council went into Executive Session at 6:05m. At 6:50pm, Council went back on the record. Mayor Raymond stated that they would be extending the Executive Session for an additional 15 minutes.

City Attorney Case noted that no decisions were made and no votes were taken during the Executive Session.

**Council took a five-minute recess to allow those in attendance via Zoom to leave the meeting.**

Council went back into Executive Session at 7:00pm. At 7:15pm, Council went back on the record. Mayor Raymond stated that no decisions were made and no votes were taken during the Executive Session.

**Council Member Peterson moved, and Council Member Matson seconded, to grant the City Attorney the increased settlement authority, for the potential payment of money by the City, on the specific lawsuits that we just discussed in Executive Session and up to the maximum amount we just discussed in Executive Session. 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.**

**Council Member Peterson moved, and Council Member Wickenhagen seconded, to waive the confidentiality provisions of Selah Municipal Code 1.06.060 as to the specific and singular topic of whether any vote occurred during the Executive Session that was held on July 14, 2020; (b) to authorize the City Attorney to disclose and file with the Superior Court the Declarations that he possesses that have been respectively signed by each attendee of such Executive Session and by other current councilmembers who did not attend such Executive Session; and (c) to not waive, and, by contrast, to instead uphold the City's attorney-client privilege as to all other topics that were addressed during such Executive Session or during any other meetings or communications between the City Attorney and representatives of the City. 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.**

S. Adjournment

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

The meeting adjourned at 7:19pm.

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