

City of Selah | City Council
Study Session Minutes
March 12, 2024

Call to Order:

Mayor Bell called the meeting to order at 4:30 p.m.

Councilmembers Present: David Monaghan, Clifford Peterson, Elizabeth Marquis, Michael Costello, Kevin Wickenhagen, William Longmire, Jared Iverson

Guest Present: Chris Wickenhagen from YVCOG

Mrs. Wickenhagen provided an update to the Council regarding the 2023 Member's Report. (Documents attached).

At 5:00 p.m., Mayor Bell introduced Rex Reed, who provided information on the Fire Commission and the Fire District. After presentation,

Mayor Bell asked how the funds received are determined and divided up. Mr. Reed explained that it is based on call volume in the county versus the City, and that year over year, the distribution of call remains relatively the same.

Councilmember Wickenhagen asked about the increase in call volume and if the majority of the calls received by Selah Fire were EMS calls. Mr. Reed replied yes, approximately 82% of calls are for EMS incidents, which is consistent with the national trend. Mr. Wickenhagen asked if it would be practical to set up an education opportunity for the public to reduce EMS calls? Mr. Reed explained that the Fire Department holds open houses to help the public understand what the Department does, and it is always good to discuss other educational opportunities. But, Mr. Reed said, the department will always have the EMS calls. Chief Lange also explained ways in which the Selah Fire Department is trying to be proactive on the subject as well.

Mayor Bell stated that it is important for the Council to understand that the Fire Commissioners, in conjunction with Selah Fire, have been very responsible with their finances and were able to pay cash for the new ladder truck. Mr. Bell also explained that since they paid cash, and since it took so long for the fire truck to arrive, if the same fire truck was purchased today, it would have cost \$500,000 more. Mr. Bell extended his gratitude to both the Commissioners and Chief Lange.

5:17 p.m. Break until regular meeting.

City of Selah | City Council
Regular Meeting Minutes
March 12, 2024

Call to Order:

Mayor Bell called the meeting to order at 5:30 p.m.

Roll Call:

Councilmembers Present: David Monaghan, Clifford Peterson, Elizabeth Marquis, Michael Costello, Kevin Wickenhagen, William Longmire, Jared Iverson

Staff Present: Rich Huebner, City Administrator; Rob Case, City Attorney; James Lange, Fire Chief; Rocky Wallace, Public Works Director; Kimberly Grimm, City Clerk/Treasurer; Jeff Peters, Community Development Supervisor; Zack Schab, Recreation Director; Dan Christman, Police Chief; and Treesa Morales, Executive Assistant.

Pledge of Allegiance was said by all in attendance

Invocation:

Councilmember Wickenhagen provided prayer.

Comments from the Public:

Kelliann Ergeson and Carol Holden gave the Council and update on the SPRSA meetings and upcoming season. After speaking for 2 minutes, the timer went off, and Councilmember Peterson moved to extend their time for 5 more minutes. Councilmember Costello seconded. Mrs. Ergeson continued. Mrs. Ergeson stated that last summer, the pool staffed 38 employees, many of which it was a first job. Mrs. Ergeson also reminded council that due to the ongoing expenses the pool will require a continued M&O levy for operation, and the SPRSA board is still deciding when to present this to the voters. Ms. Holden said that the board is considering a \$0.07 cent rate, which would be approximately \$17.00 for a house with an assessed value of \$245,000, and provide critical income to operate the pool.

Next, Katrina Henkle from the Selah Downtown Association presented updates including a reminder about the B&O Tax and the Beautification Grant. Mrs. Henkle also announced that the SDA was selected for an Economical Entrepreneurial Ecosystem Grant, bring people from Mainstreet America, Washington Mainstreet and two other economic vitality companies into Selah to talk about our permitting process, put our small business owners through a survey to see what their challenges are in Selah, with the hopes to bring more diverse types of businesses to Selah. After presentation, Councilmember Monaghan asked if David from the American Legion contacted the SDA about a beautification grant. Mrs. Henkle said yes, but she still does not have an application.

Then, Russel Carlson, community member, spoke about Agenda Item 12.A.i, regarding the Mural Design and stated he feels like it fits well, but has two recommendations – first, the committee talked about putting names on the mural, and Mr. Carlson suggests not doing so;

second, Mr. Carlson expressed his recommendation that all members of the sign committee have not viewed the design and he believes all members should approve it before moving forward. Finally, Mr. Carlson spoke on behalf of Chief Dan Christman and highly recommends that the City find a way to fit him into the budget because Mr. Carlson feels the replacement cost would be much more expensive than finding a way to make it work.

Consent Agenda (all items listed with an asterisk (*) are considered part of the consent agenda and are enacted in one motion).

Mayor Bell presented the stipulations of the Consent Agenda. Councilmember Wickenhagen requested to the consent agenda as presented. Councilmember Peterson seconded. Mayor Bell restated the motion and asked council for discussion. Hearing none, Mayor Bell requested a voice vote to approve the motion. By voice vote motion carries.

Approved Consent Agenda:

- A. Treesa Morales * Approval of Minutes from February 27, 2024 Council Meeting
- B. Kimberly Grimm * Approval of Claims & Payroll
Payroll Checks No.: 86110 – 86134 for a total of \$376,795.99
Claim Checks No.: 181200 - 181277 for a total of \$175,889.66
- C. Jennifer Leslie * Minutes from December 19, 2023 and February 06, 2024 Planning Commission Meeting
- D. Rocky Wallace * Resolution Declaring the Carlon Park North Tennis Courts Reconstruction Project to be Complete and Accepting the Work and Materials
- E. Daniel Christman * Resolution Declaring Specified Vehicles to be Surplus and Providing for their Disposition

General Business

A. New Business

i. Evaluation and Approval or Disapproval of Conceptual Design of Mural

Presented by City Attorney Rob Case. After presentation, Mayor Bell called Mindy Clark and Courtney Hernandez to the podium to present the conceptual design for the mural.

Ms. Clark explained the process the Design Committee went through to get to the current design. Ms. Clark explained to the Council the reasoning behind the water portion with the fish, the images of the people standing together which will be actual kids from Selah High School in the final product, and the purpose of the different color wheels. Ms. Clark stated that the mural

length will be 270 feet, which will be measured and painted section by section and will be the longest Mural in Central Washington. Ms. Hernandez added that the committee has been working with a diverse group of student and abilities, so that over the years people can feel represented. Ms. Hernandez said the purpose is for everyone to feel welcomed and invited, and the design allows for people to identify with different parts.

Councilmember Longmire asked about having students participate in the design. Ms. Clark explained that the Council received the timeline, and stated their hopes to begin working on painting before school starts to allow student input. Ms. Clark discussed the probable need for student and community members to sign up for time spots to ensure safety while painting near the road. Ms. Clark discussed the thought of adding names to mural but that they would be very small. Mr. Case asked if those would be the names of the students in the mural or names of students that help paint? Ms. Clark responded they would be the names of the student pictured in the mural.

Councilmember Marquis asked about the Committee's discussion with students and asked if they were asked to share the opinions for designs or how they felt about this final design. Ms. Clark said the students haven't seen this current concept, but she spoke with them a year ago and provided information to them regarding the circles and discussed where their families are from.

Councilmember Peterson said initially he didn't understand the circles at all, but now he sees the full picture. Mr. Peterson added that he is not sure about including names because if the point is to bring everyone together, does it make sense to individualize them in the painting? Mr. Peterson also said he liked the idea of putting the words in the fish in different languages, and that he agreed that with a 5-person committee, and only two people here, he would like to have the approval of the full committee.

Ms. Hernandez said they worked hard to invite all members of the committee, and had 4 out of five participate, but one never responded, and she's not sure what she can do if the person doesn't want to come.

Councilmember Wickenhagen also mentioned he didn't understand the circles, but he likes the idea that it represents the community through the fish and the backs of the students. Mr. Wickenhagen said he felt it is missing a part that represents Selah, like colors or orchards, or parks. Ms. Hernandez said the people who do not currently feel welcomed in Selah will recognize it, and maybe we could include a QR code that would explain the different circles. Ms. Hernandez also said the committee talked about including apples or orchards, but that's already here, and this design is something new.

Mayor Bell announced that the conversation would need to take a quick break so the Fire Department can quickly introduce their new training officer before they move the truck outside and go to another meeting.

Chief Lange presented the Department's new Training Officer, Jason Wood and commented on his background before turning the microphone over to Mr. Wood. Mr. Wood introduced himself

and his experience and then stated he is grateful for the community and to serve here. Council welcomed Mr. Wood.

After the Fire Staff left, Mayor Bell called Ms. Hernandez and Ms. Clark back to the podium to continue their discussion.

Councilmember Iverson said he loved it right away, and was drawn to the design. He expressed how he appreciated the different parts and how it represents the community. Mr. Iverson said his thoughts on including the name is how are they going to be selected, and that including the names might portray the opposite goal where some students may feel left out. Mr. Iverson said he loves the river and fish and he feels the colors will make the mural pop, and maybe some words could be added in the circles to explain what they mean. Mr. Iverson also said the thought the QR code was a great idea.

Councilmember Costello said he thought the design was amazing. He stated he saw the people first and likes the way it looks. Mr. Costello also said the appreciates the explanation on the circles and colors and now he understands how others will recognize it.

Councilmember Marquis said she wants to echo the comments from the other Councilmembers. Mrs. Marquis said she was nervous at first because this is a hard task, but said the committee did a great job. Mrs. Marquis said she doesn't love the idea of names on the backs of the students either because showing them from behind as in the design makes it seem like it could be anyone, which is great. Mrs. Marquis also expressed her concern that all five members of the committee have not reviewed the design. Councilmember Costello asked if the person who wasn't showing up was one that was selected by the City? Ms. Hernandez said yes, and she wasn't sure how it was decided, but he changed his mind. Ms. Clark added that they have been trying to contact him since last April, but at some point they had to move forward. Councilmember Iverson asked if the other four have seen this current design? Ms. Hernandez said three have seen it, and the other one has been involved but not seen the final concept. Ms. Marquis asked Mr. Case if that was a concern for the City? Mr. Case responded that it was up to the Council, adding that they could amend the resolution for the design, or not approve it if they aren't ready. City Administrator Huebner added that approval from 3 out of 5 is a majority, so the council could accept that as a quorum from that body.

Councilmember Costello made a motion to approve the design with a change to make sure not to include names on the people. Councilmember Peterson seconded. Mayor Bell restated the motion and asked for discussion.

Councilmember Iverson asked Ms. Clark and Ms. Hernandez what they thought about not including names. Ms. Clark said it was just an idea and she is just fine with it. Mr. Case confirmed this is just a conceptual design, and the Committee will bring back more for council? Ms. Clark said yes, they will bring back an actual scale model with paint. Ms. Marquis said she's not comfortable with the Committee doing more work if other members appointed by the City have not participated. Mr. Case said the Council could table this discussion and approval until the City members approve the design. Ms. Hernandez said, what if it just keeps happening

and he continues not to show up? Councilmember Marquis said she doesn't feel comfortable moving forward yet. Councilmember Peterson asked the Committee if two weeks would be long enough to contact the City-Appointed members? Ms. Clark said they would try, but the timeline is very tight. Ms. Marquis confirmed there were only two members appointed by the City? Ms. Hernandez said there are three appointed by the City. Councilmember Costello said he didn't know if having two or three more opinions would make a difference and restated that this design is good work. Mr. Case confirmed the three members from the City were appointed by Mayor Raymond. Councilmember Longmire said having input from the other three would not change his opinion on it. Mr. Case proposed that Councilmember Costello amend his motion to state that "no names shall be included on the mural." Mr. Costello agreed to amend his motion. Councilmember Peterson agreed as well. Mayor Bell asked Ms. Morales to call roll.

Executive Assistant Morales called roll. Councilmember Monaghan – no; Councilmember Peterson – yes; Councilmember Marquis – no; Councilmember Costello – yes; Councilmember Wickenhagen – no; Councilmember Longmire – yes; Councilmember Iverson – no. Motion fails with 3-yes votes and 4-no votes.

Councilmember Marquis requested to table this until the next meeting. Ms. Hernandez asked what council would like for the next meeting? Councilmember Iverson stated his disappointment that more members of the Committee have not seen the design, and not that his disappointed with Ms. Hernandez and Ms. Clark, just with them. City Administrator Huebner asked Council if they would be ok with the Committee hearing from one of the two members who have not seen the design by the next council meeting? Council generally agreed.

Councilmember Marquis moved to table the discussion until next meeting or until the Committee has received approval from more members. Councilmember Wickenhagen seconded. Mayor Bell asked Ms. Morales to call roll.

Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – yes; Councilmember Wickenhagen – yes; Councilmember Longmire – yes; Councilmember Iverson – yes. Motion carries.

Councilmember Iverson asked Mayor Bell if they could reach out to the City-appointed members. Mr. Huebner said he doesn't see why not. Ms. Hernandez said they are ok with that, and added that he has caused problems in the past, so he might continue to slow it down. Mayor Bell said he was never aware that people were not showing up because the reports the City received were that the decision was unanimous by the committee. Ms. Hernandez said they said 'majority' not 'unanimous.' Mayor Bell said the City would appreciate being informed of what is going on. Mr. Huebner said to the Committee to let the City know if they cannot get ahold of someone and if they receive more votes on the design from the Committee, to bring it back to Council and let us know.

General Business

A. New Business

ii. "Appeal" of Decision on a Code Complaint

City Attorney Case presented the complaint. After presentation, said the goal is to specify the relief the appellant is requesting.

Mr. Longmire took the podium and presented his side of the case. After presentation, Mr. Longmire said that he sent the complaint under Code section 6.75 and if the City doesn't use 6.75, then why is he even here. Mr. Longmire said that there were multiple emails that were not shared with the Code Enforcement Officer during her investigation, and when he brought up the concern with the Planning Department, nothing was done. Mr. Longmire said that it feels like the City failed in that process because no one can admit that anything was wrong. Mr. Longmire outlined other concerns over the handling of his complaint and said this is why he ran for council – because he doesn't want the façade of a beautiful city, it should be a well-built city.

Councilmember Wickenhagen said, after reading through the material, it appears the person doing the inspection was the City of Yakima, and that the rebar and footing was not actually inspected. Mr. Longmire confirmed and explained why that was a concern, including noting on the inspection card that the footings are not going to be poured at the same time. Mr. Longmire also said he reported his concerns when it was going on, an no stop work order or citation from the City was issued. Mr. Longmire asked what is he supposed to do to prevent this from happening if not go to the planning department.

Councilmember Wickenhagen asked the Community Development Supervisor, Jeff Peters, what would cause a stop work order? Mr. Peters said he would need to receive a statement from the property owner stating the violation with evidence stating how it varied from the standard. Mr. Peters said with this situation, they did not have evidence, and that the City spoke to Mr. Brons, former City of Selah building inspector who inspected Mr. Longmire's project at the time, and asked him to review his cards. Mr. Peters said the Mr. Brons said his card indicated that he inspected the entire footing/foundation for the garage and the house and that rebar was present. Councilmember Wickenhagen confirmed, that was after being fixed? Mr. Peters said yes, that the footings go up first, and then the contractor can pour, but Mr. Brons' card indicates that the footings were inspected and passed. Mr. Peters explained that the contractor came back and installed the forms for the foundation wall, and that's when Yakima came out and found that rebar was not appropriately placed in the forms and ordered them to correct the situation. Then, Mr. Peters continued, the contractor came back and the correction was put into place to meet standards which allowed them to move forward. Mr. Case provided more information and noted which pages the Council could reference in the packet, concluding that his understanding is that the approval from Yakima allowed them to move forward.

Mr. Longmire again expressed his frustration with the process and his belief that the building code is in place for a purpose, but no one from the prior administration wanted to respond to him.

Councilmember Iverson confirmed that rebar was needed in the basement floor? Mr. Longmire said yes, for a structurally reinforced in-slab footing, which wasn't poured at the same time as the rest of the foundation, and there was no inspection card for the slab.

Councilmember Wickenhagen asked Mr. Case, what is the roll of the council here? What are the ramifications for this? Mr. Case said the options you have are specified in the International Property Code, which means you have an appeal – which challenges an underlying decision which is by Erin Hamilton stating that she cannot substantiate either of two violations that were specified in the complaint. Mr. Case said the council can affirm the decision without modification, modify the decision, reverse the decision saying the appeal wins, or any version on that continuum. Mr. Wickenhagen asked does it mean if the appeal wins? Mr. Case said that means the decision would be overturned, but that he is not sure there is anything beyond that because no relief has been requested.

Councilmember Peterson referenced the comment on the card, saying that it was covered by blankets so spots were checked. Mr. Peterson also asked about where the contractor was while this was going on, and if the contractor listened to Mr. Longmire's concerns because the City cannot be your bodyguard. Mr. Longmire said he did not have cards, he only noticed it after he realized there was no rebar in the footing which set all this in motion. Councilmember Peterson asked if the rebar was supposed to be there because of the code or because of the design. Mr. Longmire replied, the design, and if the contractor wanted to change it, he would have to submit new plans for the City to approve. Councilmember Peterson said how specific are you going with exactly what the plan says if the plan is putting in more structural components then the code requires, what is the City's responsibilities? Mr. Longmire says the code requires builders to follow the plans, and if there are any changes, there is a process that the contractor needs to go through. Councilmember Iverson said he wants to understand this part too, and that he's never seen a footing that didn't have rebar in it, and he wants to understand if the code supersedes the plans. Mr. Case said there could be a distinction between the plans and what the minimum code says. But, Mr. Case said, there is a fundamental issue here that need to be addressed, which is, if City officials were bad at their job in 2018 or 2019, conceptually, that's not a basis for a code complaint in 2023 or 2024. Mr. Case said, usually code complaints are about a then existing or new issue with a property, so whether City officials did a great job or a poor job at the time, is beside the point as to what the code complaint alleges and the appeal of the code complaint, which by Mr. Case's reading, alleges that violations occurred by the builder and that's what Ms. Hamilton tried to investigate in 2023, and she was not able to substantiate that the builder committed a violation. Mr. Case said the appeal would have to negate her decision on that, and Mr. Case said he believes the real focus should be if the Council can substantiate that the builder did wrong, not by contrast, a debate if the City officials were good at their job in 2018 or 2019.

Mr. Longmire said the complaint was lodged during the 6.75 and that Mr. Case keeps referring to the property maintenance code, but that's something that was changed in the last 4 or 5 months. Mr. Longmire said the original complaint was filed under 6.75 where it actually addressed citations and permits. Mr. Longmire said he didn't feel like all the information was provided to Ms. Hamilton to allow her to do a thorough investigation. Mr. Longmire also commented that part of the problem is that he couldn't get a straight answer from anyone and

that he tried to get an answer for over a year, and he had to submit a public disclosure request, and it took so long just to get to this point, and that is on the City. Mr. Case said, as to the issue of what Ms. Hamilton did or did not review, when he interviewed her, he asked her that question and she showed me the email correspondence with Mr. Longmire where she asked for any supporting information and you sent back the timeline document, and Ms. Hamilton told Mr. Case that she reviewed everything she received from Mr. Longmire. And Mr. Longmire said he also told Ms. Hamilton that Mr. Peters had multiple of emails. Mr. Case said and she signed the code complaint under penalty of perjury saying she read those emails. Mr. Longmire asked, all of them? Mr. Case said the ones that Mr. Longmire identified in his appeal that you are questioning whether she reviewed or not. Mr. Longmire said if she would have read the emails included in the packet today and then looked for the inspection card, and Mr. Longmire said he does not believe she did because there is not inspection card for these footings. Mr. Huebner said just for the record, that is part of the decision that council will need to make regarding the decision of the outcome, and to please direct questions to the Council or Mr. Case.

Councilmember Peterson asked if the issue tonight is whether or not Erin conducted an accurate investigation? Mr. Case said that is partially right. Mr. Case explained that Mr. Longmire is challenging the process that Erin used, but also her conclusion. Mr. Peterson then asked Mr. Longmire what does a resolution look like, what does the end look like? Mr. Longmire said he would like to be validated as someone who's a resident and knows how to read plans and what does that look like for the City because he is being told the City has no duty to uphold the law when it comes to building enforcement. Mr. Longmire said when he reads through the code, it appears there is a process but the City isn't following it, so if the City truly believes that we don't have a duty do this or this process doesn't need to be followed, we are going to keep doing this? Mr. Longmire said he really wants to know that there is a process in place, what he has been reading is true, why isn't the City following it, and are we going to keep on that path?

Councilmember Monaghan said he is going to follow up to Councilmember Peterson's question, is he looking for someone to admit guilt or what does the end look like? Mr. Longmire said there is a problem, and if we can't admit there is a problem how can we fix it. Mr. Peterson said he is not sure that Mr. Longmire has been able to clearly identify what the problem is, so how can he fix something if we can't explain what we're trying to fix?

Councilmember Wickenhagen attempted to summarize the whole process, to which Mr. Longmire says yes. Mr. Longmire said yes, and that he was told that by the building inspector that he did not inspect them. Mr. Case said it seems that part of Mr. Longmire's grievance was that a stop work order was not issued in 2018 when you reported to the City Staff that you believe your builder did something wrong. Mr. Longmire said yes. Mr. Case said, now that we are here and that is the issue, what would be a remedy for that? Mr. Longmire replied, if there was supposed to be one submitted, is the City going to keep going down the path of letting stuff slide like that? Mr. Longmire said he doesn't see how we can get to that point without admitting the problem, and said that he is trying to figure out the process because he has never received one even in all the emails he has sent.

Councilmember Wickenhagen asked Mr. Peters if there is a process if a homeowner challenges what the inspection says? Mr. Peters answered, yes, if a homeowner submits a letter with evidence that the City can verify. Mr. Peters continued, that in this case, with regard to both the footing and stem wall, for evidence, we have Mr. Brons' two inspection cards with conflicting evidence. Councilmember Wickenhagen pointed out that the one inspection card does not say anything. Mr. Peters said we have an email from the Yakima Inspector. Mr. Wickenhagen said the card doesn't say anything and that's the official record. Mr. Peters said yes, but he asked the Yakima building inspector if they inspected the stem wall, and they said yes, they did, but they did not inspect the footing, because that was under Mr. Brons' record. Mr. Huebner asked Mr. Peters to identify just the procedure. Mr. Peters said they have to submit a letter and have substantiating evidence.

After more back and forth discussion, Mrs. Marquis commented that if the Council requests to have Ms. Hamilton's decision overturned, then Erin would have to conduct another investigation, correct. And, Mrs. Marquis continued, inherently, a reinvestigation would need to include a different person because having the same person reinvestigate doesn't seem like it would result in a different outcome. Mrs. Marquis then stated to Mr. Longmire that, secondly, that the contract is between the contractor and the builder and that if the City was liable for every contractor, we would be in a world of trouble. Ms. Marquis then said she felt like this whole thing is less about a code complaint and more of a process complaint and perhaps an overhaul and review of how these situations are handled is necessary with ideas of how to revamp the system. Mr. Longmire said he agrees with some of what Mrs. Marquis says, but that everything is really confusing and most of it goes against what he has read, and that he would really like to see staff put something together to say what the process should be since the previous 6.75 was overwritten to include only graffiti and nuisance. Mr. Iverson said that it was his understanding that the code had items added to it, not that it was overwritten. Mr. Longmire said, no, it was overwritten to include only graffiti and nuisance violations. Mr. Case replied that the City is required to adopt various International Codes, and among the various codes that our City has adopted through Title 11 of our City Municipal Code - and will always have to adopt - are the International Building Code and the International Residential Code. Mr. Case explained that each of those codes vests our staff with the authority to issue stop work orders, so we do have a process to issue stop work orders, which addresses the question on if there is a process to issue stop work orders, which we have, rather than a process by which the City is forced to issue a stop work order. Mr. Case said that the real question becomes 'when should they issue a stop work order' and the real answer becomes 'when they feel is it justified and warranted' and not, by contrast, can somebody force them to do so. Mr. Case explained the other side is the property maintenance code, and with that code, a complaint gets the ball rolling, and then the Code Enforcement Officer has a duty to investigate. Councilmember Iverson said he wanted to make one last comment that he is disappointed in how drawn out this was, and he finds it extremely disappointing that the City put this off for this long, and it seems like it was drug out, so moving forward, the City should take accountability and move things forwards. Mr. Wickenhagen said he doesn't disagree with that statement.

Mr. Case asked the Council if it was their desire to vote today because the Council will have 30 days from the date of the appeal hearing to make a decision. Mr. Huebner pointed out that the

Council will meet on March 26th and again on April 9th, so there will be two meetings before the 30-day deadline.

After more discussion, Councilmember Wickenhagen said he would need time to put together questions to ask staff and what the current process is. Councilmember Wickenhagen moved to table the issue for two weeks. Councilmember Monaghan seconded. Mr. Case said he would have information on the next agenda. Hearing no further discussion, Mayor Bell requested roll call.

Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – no; Councilmember Wickenhagen – yes; Councilmember Longmire – abstained due to being the appellant; Councilmember Iverson – no. Motion passes with 4-yes votes and 2-no votes.

Resolutions

13-A. Resolution Authorizing the Mayor to Sign a Fifteen-Page Interagency Agreement with the Washington State Department of Commerce for the 2023-2025 Climate Planning Grant, and also a Nine-Page Agreement Amendment with The Beckwith Consulting Group Which is Serving as Selah's Consultant on this Project

Introduced by Mayor Bell. Presented by Community Development Supervisor, Jeff Peters. After discussion,

Councilmember Costello moved to approve the Resolution as presented. Councilmember Peterson seconded. Mayor Bell restated the motion and asked Council for discussion.

Councilmember Marquis asked about the attachment regarding the deliverables in the scope of work that should have been completed, and asked if they were done? Mr. Peters said no, and that he had the same questions. Mr. Peters said that Beckwith expects the deliverables will be submitted throughout the grant process but because of the slowness for grants, they have authorized us to start work and can bill ahead of the contract since Selah is still working on the Housing Action Plan (HAP) development regulations. Mrs. Marquis asked why didn't we have YVCOG do the HAP and Climate project? Mr. Peters said YVCOG did not submit a proposal during the request for proposals and qualifications (RFP/RFQ) solicitation, and for the Climate portion, the Beckwith contract has a clause that indicated that we would extend work on the comprehensive plan to Beckwith. Mrs. Marquis confirmed that the Beckwith contract says the City would automatically award the Climate portion? Mr. Peters said not the climate portion but the comprehensive plan updates. Mrs. Marquis asked why Mr. Peters or the City didn't reach out to YVCOG, and that she is just trying to understand the process. Mr. Peters said he cannot say what past City Administration said or did, and that he was not made aware that YVCOG was working on them, and that it was never brought up to Mr. Peters as an option. Mr. Peters also said that he believes that the Administration at the time thought that the new regulations may not

be an issue for Selah due to our population and that could have played a role in information not being passed on. Mr. Peters said all he can say is that he didn't receive any inquiries from YVCOG until after the contract was awarded to Beckwith.

Councilmember Wickenhagen asked how can the City award a \$150,000 contract without going out for bid? City Attorney Case said there are only a few scenarios where an RFP/RFQ is required by law – which is for engineers and architects. Mr. Case gave some examples, and said that he does not believe an RFP/RFQ was necessary for the HAP contract, and he does not believe it would be required here as well. Mr. Huebner echoed Mr. Case's comment, and also stated that it sounds like there was a clause in the original contract that says if this Beckwith gets the contract, and the City gets the money, then Beckwith would be awarded the work, then that is a contractual allowed procedure. Councilmember Wickenhagen said the Climate portion is not included in that contract. Mr. Huebner said, correct, but because it is not a required step to do an RFP, and because the council has worked with this contractor in the past and desire continuity, the Council does have the option to authority to pass this resolution if the Council chooses to do so.

Councilmember Longmire asked if the City would even need an RFP/RFQ to work with YVCOG? Mr. Case responded no. Mr. Longmire asked Mr. Peters where Beckwith Consulting is located? Mr. Peters said La Connor, WA in Skagit County.

Hearing no further discussion, Mayor Bell requested roll call from Mrs. Morales. Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – no; Councilmember Costello – yes; Councilmember Wickenhagen – no; Councilmember Longmire – no; Councilmember Iverson – no. Motion fails with 3-yes votes and 4-no votes.

Staff Updates:

The following staff members provided a department update.

- Police Chief, Dan Christman
- Community Development Supervisor, Jeff Peters
- Public Works Director, Rocky Wallace
- Clerk/Treasurer, Kimberly Grimm

Councilmember Updates:

Councilmembers did not have any updates but thanked the Mayor and YVCOG for their efforts at the Council Workshop last week.

City Attorney Update: Mr. Case stated that he anticipates bringing forward 3 CBA's for the next council meeting. Mr. Case also said that all three will require the City apply the conditions retroactively to January 1, 2024, but said that the City will have two payrolls after the vote to get caught up on it.

City Administrator Update: Mr. Huebner provided an update on the Fire Department on behalf of Chief Lange as he had to go to another meeting. Mr. Huebner also updated Council on his

meetings for the past week including meeting with Basin Pacific, YCDA, meeting with a local group who is interested in partnering with the City for a youth sports complex, and preparing a new LTAC Contract for recipients of LTAC funds.

Update from the Mayor: Mayor Bell reminded council to complete their F-1 Reporting, due by April 15th. Mayor Bell also told Council that he will be providing a worksheet in the Council boxes sometime this week to review the numbers on the increase fuel surcharge from Basin Pacific. Mayor Bell then asked that Council keep their packet on the Mural Project and the Appeal for next meeting. Finally, Mayor Bell notified council that by not passing Resolution 13-A for the Department of Commerce Grant, they are giving back \$150,000 and the City will still have to complete part of the Comprehensive Plan.

Councilmember Marquis asked if a City of our size was required to do one? Mr. Case said yes. Mr. Huebner suggested that Mr. Peters contacts the Department of Commerce to see if he can change the designated consultant with new information and then bring back an answer to the next Council meeting.

Councilmember Longmire asked if the City could reach out to YVCOG as well. Mr. Huebner said the City first needs to find out if we can change the consultant on the grant application and then if not, make sure that Council wants to pay for it out of the general fund. Mr. Longmire reminded the group that it sounded, from Mrs. Wickenhagen's earlier presentation, that YVCOG gets money for this. Mr. Huebner said he thought it was too late. Mr. Longmire said he understood it to be that if Selah was interested, we would just need to contact her right away. Mrs. Wickenhagen came to the podium and said yes, there was still time, she just needs to know right away as the Department of Commerce is developing a contract right now, and because they don't anticipate needing the full \$150,000 for the comprehensive plan updates, YVCOG believes there will be left over funding to implement some decisions selected for the climate element.

Mr. Peters then spoke to say that because Beckwith was authorized by the Mayor and City Administrator to help prepare the grant, the City will need to pay him for his time.

Executive Session

Mayor Bell announced that the Council will take a 5-minute break and then go into an executive session for RCW 42.30.110(g), to review the performance of a public employee. Mayor Bell forewarned the Council that he anticipates the discussion taking more than 30 minutes. Councilmember Marquis said she would prefer a 30-minute session and then after coming back on the record, more time could be requested. Mayor Bell agreed to a 30-minute session after a five-minute break.

8:47 p.m. – Council went into executive session

9:16 p.m. – Council came out of executive session and returned the record. Mayor Bell stated no votes were taken and no decisions were made. Council requested to go back into the executive session. Mayor Bell announced the Council would go back into executive session for 15 minutes for RCW 42.30.110(g), to review the performance of a public employee.

9:16 p.m. – Council went into executive session

9:31 p.m. – Council came out of executive session and returned the record. Mayor Bell stated no votes were taken and no decisions were made. Council requested to go back into the executive session. Mayor Bell announced the Council would go back into executive session for 15 minutes for RCW 42.30.110(g), to review the performance of a public employee.

9:31 p.m. – Council went into executive session

9:45 p.m. – Council came out of executive session and returned the record. Mayor Bell stated no votes were taken and no decisions were made.

Councilmember Marquis moved to add an item to the agenda. Councilmember Costello seconded. Mayor Bell restated the motion and asked for discussion. Hearing none, Mayor Bell asked for roll call. Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – yes; Councilmember Wickenhagen – yes; Councilmember Longmire – yes; Councilmember Iverson – yes. Motion passes.

Mr. Huebner announced for the record that Council added agenda item 12.A.iii to new business and he is open to a motion for that item. Councilmember Marquis said she wanted to move to increase the Police Chief’s salary by \$10,000 annually. Councilmember Monaghan seconded. Mayor Bell restated the motion. Mr. Huebner requested that Councilmember Marquis amend her motion and the second to authorize staff to bring an amended employment agreement as well. Councilmembers Marquis and Monaghan both agree to amend their motion and second to include the employment contract. Mayor Bell asked if that included the additional two weeks of vacation? Councilmember Marquis said she did not want to include that in her motion. Mayor Bell asked for discussion. Councilmember Iverson asked if it was going to be retroactive, as was discussed for the new CBA agreements? Mr. Case said there are different rules on CBAs and typically you are not supposed to do retroactive pay for work that has already been done for non-union employees. Mr. Huebner said it would take affect when the contract was approved, along with an amended salary ordinance. Councilmember Iverson said he would really like to see the two weeks’ vacation added if the change is not going to be retroactive. Councilmember Marquis said she would be willing to amend her motion to include the additional two weeks’ vacation. Councilmember Monaghan seconded.

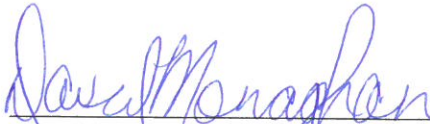
Mayor Bell asked for roll call. Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – yes; Councilmember Wickenhagen – yes; Councilmember Longmire – yes; Councilmember Iverson – yes. Motion carries.

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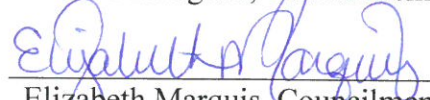
Adjournment

Councilmember Costello moved to adjourn the meeting. Councilmember Marquis seconded. By voice vote, motion carries.

Meeting ended at 9:50 p.m.

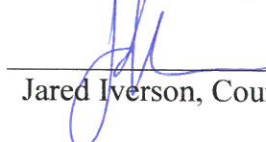


David Monaghan, Councilmember



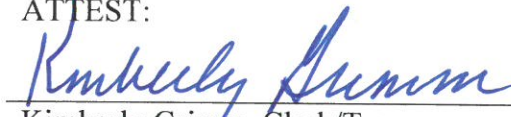
Elizabeth Marquis, Councilmember

Kevin Wickenhagen, Councilmember

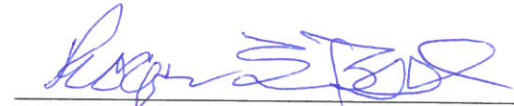


Jared Iverson, Councilmember

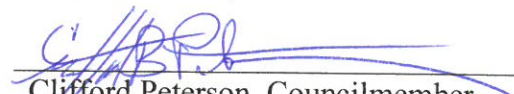
ATTEST:



Kimberly Grimm, Clerk/Treasurer



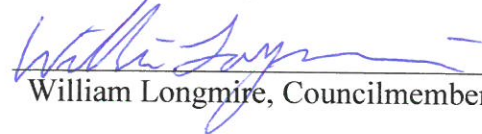
Roger Bell, Mayor



Clifford Peterson, Councilmember



Michael Costello, Councilmember



William Longmire, Councilmember