



SELAH CITY COUNCIL

4:00pm March 10, 2015



Selah City Council
 Regular Meeting
 Tuesday, March 10, 2015
 4:00pm
 City Council Chambers

Mayor: John Gawlik
 Mayor Pro Tem: Brooke Finch
 Council Members: Paul Overby
 John Tierney
 Dave Smeback
 Allen Schmid
 Roy Sample
 Jane Williams

CITY OF SELAH
 115 West Naches Avenue
 Selah, Washington 98942

Interim City Administrator: Joe Henne
 City Attorney: Bob Noe
 Clerk/Treasurer: Dale Novobielski

AGENDA

- A. Call to Order –Mayor Gawlik
- B. Roll Call
- C. Pledge of Allegiance
- D. Agenda Changes **None**
- E. Public Appearances/Introductions/Presentations
- F. Getting To Know Our Businesses **None**
- G. Communications
 - 1. Oral

This is a public meeting. If you wish to address the Council concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name for the record. The Mayor reserves the right to place a time limit on each person asking to be heard.

2. Written

- Joe Henne a. February 2015 Monthly Report for Building Permits, Animal Control and Code Enforcement

- H. Proclamations/Announcements **None**
- I. Consent Agenda

All items listed with an asterisk (*) are considered routine by the City Council and will be enacted by one motion, without discussion. Should any Council Member request that any item of the Consent Agenda be considered separately, that item will be removed from the Consent Agenda and become a part of the regular Agenda.

- Monica Lake * 1. Approval of Minutes: February 24, 2015 Study Session & Council Meeting
- Dale N. * 2. Approval of Claims & Payroll

- J. Public Hearings **None**
- K. New Business **None**
- L. Old Business **None**

M. Resolutions

- Tom Durant * 1. Resolution Denying the Preliminary Plat of “Somerset II” (912.42.14-05) and Adopting Findings and Conditions of Preliminary Plat Denial

- Dale N. 2. Resolution Authorizing the Mayor To Sign An Agreement With the Selah Downtown Association Concerning Financial Support
- Joe Henne * 3. Resolution to Approve the Wernex Loop – Supplemental Agreement Number 1, to the Local Agency Standard Consultant Agreement – for the Transportation Alternatives Program (TAP) for Engineering Construction Services for the Sidewalk Improvements on Wernex Loop
- Joe Henne 4. Resolution Authorizing the Mayor to sign an Interagency Amendment No. 1 between the City of Selah and the Washington State Department of Enterprise Services (DES), Facilities Division, Engineering and Architectural Services
- Joe Henne 5. Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 A (1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project
- Joe Henne 6. Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 G (1-1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project

N. Ordinances

- Charlie Brown 1. Ordinance Creating a New Chapter 4.28 to the Selah Municipal Code entitled “Parades”

O. Reports/Announcements

- 1. Mayor
- 2. Council Members
- 3. Departmental
- 4. Boards

P. Executive Session

- 1. 20 Minute Session re: Property Acquisition RCW 42.30.110 (1) (b)

Q. Adjournment

Next Study Session March 24, 2015
 Next Regular Meeting March 24, 2015

Each item on the Council Agenda is covered by an Agenda Item Sheet (AIS)
 A yellow AIS indicates an action item.
 A blue AIS indicates an information/non-action item.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING INFORMATIONAL ITEM

3/10/2015 G – 2A

Title: February 2015 Monthly Report for Building Permits, Animal Control and Code Enforcement

Thru: Joe Henne, Interim City Administrator

From: Joe Henne, Public Works Director

Action Requested: Informational - No action

Board/Commission Recommendation: Not applicable

Fiscal Impact: Not applicable

Funding Source: Not applicable

Staff Recommendation:

Informational only

Background / Findings & Facts:

Attached are the Building Permit, Animal Control and Code Enforcement Reports for February, 2015.

Recommended Motion:

Informational only.

lo.	Issue Date	Project	Address	Type	Master Plan	Fees
6291	2/19/2015	Dan Politte/M. Saed	103 S. First	Kitchen Hood Fire Suppression System		\$52.16
6292	2/27/2015	Elltell Wireless Inc./T-Mobile	501 Lookout Pt Dr.	Addition of (2) small microwave dish antennas		\$417.30
6298	2/10/2015	Sunset School Renovations	105 W. Bartlett	New Commercial (Sunset Elementary Remodel)		\$5,211.67
6299	2/10/2015	Sunset School Renovations	105 W. Bartlett	Commercial Plumbing		\$148.51
6300	2/10/2015	Sunset School Renovations	105 W. Bartlett	Commercial Mechanical		\$98.40
6301	2/10/2015	Selah High School Kitchen Remodel	801 N. First Street	New Commercial		\$1,581.57
6302	2/10/2015	Selah High School Kitchen Remodel	801 N. First Street	Plumbing Commercial		\$105.59
6303	2/10/2015	Lince School Remodel	316 W. Naches Ave.	New Commercial		\$12,778.34
6304	2/10/2015	Lince School Remodel	316 W. Naches Ave.	New Plumbing		\$277.27
6305	2/10/2015	Lince School Remodel	316 W. Naches Ave.	New Mechanical		\$339.41
6307	2/4/2015	Columbia Ridge Homes LLC	1420 Nelson Place	New Building/SFR	IRC2012-5	\$6,131.61
6308	2/4/2015	Columbia Ridge Homes LLC	1420 Nelson Place	New Plumbing		\$271.45
6309	2/4/2015	Columbia Ridge Homes LLC	1420 Nelson Place	New Mechanical		\$186.73
6310	2/4/2015	Columbia Ridge Homes LLC	1420 Nelson Place	U. G. Sprinklers		\$41.45
6311	2/5/2015	Dean Berkheimer	251 Driscoll Rd.	Re-roof		\$102.98
6312	2/6/2015	BBS Selah LLC/Subway	502 S First St/Tenant C	Marquee Sign		\$132.41
6313	2/4/2015	Selah School District	411 N. First St.	Demolish Selah Jr High buildings		\$102.98
6314	2/10/2015	Lince School Campus	316 W. Naches	Demolish buildings on campus		\$102.98
6315	2/6/2015	Arco AM/PM	777 North Park Centre	New Commercial/Addition to Mini-Mart		\$523.84
6316	2/10/2015	Sweet Treats Bakery	509 S. First Street	New Commercial/Remodel		\$332.96
6317	2/10/2015	Sweet Treats Bakery	509 S. First Street	Plumbing Commercial		\$143.58
6318	2/10/2015	Sweet Treats Bakery	509 S. First Street	Mechanical Commercial		\$44.56
6319	2/6/2015	Torkelson Construction	Lot 3B Bowers (181425-33425)	New Building/SFR	IRC2012-8	\$4,252.02
6320	2/6/2015	Torkelson Construction	Lot 3B Bowers (181425-33425)	New Plumbing		\$256.86
6321	2/6/2015	Torkelson Construction	Lot 3B Bowers (181425-33425)	New Mechanical		\$186.73
6322	2/10/2015	BBS Selah LLC	502 S. First St.	UG Sprinkler/Backflow Check		\$30.89
6323	2/10/2015	Tree Top Lab	207 E. 5th Ave	UG Sprinkler/Backflow Check		\$30.89
6324	2/10/2015	Jackie McLain	114 E 2nd Ave.	Re-Roof		\$78.60
6325	2/26/2015	Columbia Ridge Homes LLC	1410 W. First Ave	Addition/Covered Porch to New SFR		\$124.85
6326	2/26/2015	Columbia Ridge Homes LLC	1506 W. Naches Ave.	Addition/Covered Porch to New SFR		\$124.85
6327	2/19/2015	Andres Flores	129 E. Bartlett Ave.	Addition/Add Bathroom		\$226.63
6328	2/19/2015	Andres Flores	129 E. Bartlett Ave.	Addition/Add Bathroom		\$63.53
6329	2/19/2015	Andres Flores	129 E. Bartlett Ave.	Addition/Add Bathroom		\$33.21
6330	2/23/2015	Katherine Hill	505 W. Fremont	Bathroom Remodel		\$158.89
6331	2/24/2015	Katherine Hill	505 W. Fremont	Plumbing Permit		\$63.53
6333	2/27/2015	Katherine Hill	505 W. Fremont	Mechanical- Bathroom vent		\$33.21
					TOTAL:	\$34,792.44

<u>DATE</u>	<u>LOCATION</u>	<u>PROBLEM/CONCERN</u>	<u>ACTION TAKEN</u>
2-Feb	10th & Crusher Cnyn	LOOSE DOGS	UNABLE TO LOCATE
5-Feb	100 BLK E ORCHARD AVE.	BARKING DOG	NOT BARKING UPON ARIVAL
6-Feb	100 BLK SOUTHERN AVE.	PIT BULL COMPLAINT	UNABLE TO LOCATE
10-Feb	700 BLK W ORCHARD AVE.	LOOSE DOG	TAKEN TO HUMANE SHELTER
11-Feb	100 BLK W ORCHARD AVE.	DOG BITE	SPOKE TO OWNER- DOG QUARENTINE
12-Feb	300 BLK S 10TH	LOOSE DOG	UNABLE TO LOCATE
19-Feb	100 BLK W FREMONT AVE.	BARKING DOG	NOT BARKING UPON ARIVAL
19-Feb	300 BLK W FREMONT AVE.	LOOSE DOG	TAKEN TO HUMANE SHELTER
20-Feb	1300 BLK JESSICIA DR.	BARKING DOG	NOT BARKING UPON ARIVAL
24-Feb	100 BLK E FREMONT AVE.	LOST DOG	UNABLE TO LOCATE
24-Feb	600 BLK W BARTLETT AVE.	LOOSE DOG	SPOKE TO OWNER - DOGS SECURED IN YARD
27-Feb	GOODWILL	DOG BITE	TAKEN TO HUMANE SHELTER - QUARENTINE

CODE ENFORCEMENT

FEBRUARY 2015

<u>ADDRESS</u>	<u>DATE</u>	<u>COMPLAINT-VIOLATION</u>	<u>ACTION TAKEN</u>
400 BLK S 5TH STREET	4-Feb	DEBRIS IN YARD	SPOKE TO OWNER-CLEANING UP
200 BLK N 7TH STREET	9-Feb	DEBRIS IN YARD	SPOKE TO OWNER-CLEANING UP
200 BLK N 10TH STREET	11-Feb	ABANDONNED HOUSE-DEBRIS	SPOKE TO OWNER-CLEANING UP
100 BLK E HOME AVE.	18-Feb	DRAINING GUTTERS TO NEIGHBORS	LETTER TO OWNER
11TH & NACHES AVE.	19-Feb	WEEDS	LETTER TO OWNER
600 BLK S 3RD STREET	22-Feb	DEBRIS IN YARD - DRIVEWAY	LETTER TO OWNER
600 BLK N 13TH STREET	26-Feb	DEBRIS-WEEDS	WORKING ON MOVING OCCUPANT OUT



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/10/2015 I - 1

Title: Approval of Minutes: February 24, 2015 Study Session & Council Meeting

Thru: Joe Henne, Interim City Administrator

From: Monica Lake, Executive Assistant

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

Approval of Minutes

Background / Findings & Facts:

See Minutes for details.

Recommended Motion:

Motion to approve the Consent Agenda as read. (This item is part of the Consent Agenda)

Study Session Minutes
Selah City Council
February 24, 2015

5:00pm – Wayne Petterson, Rusted Fish Studio, Inc.
5:10pm – Jack McEntire, Cascade Carvings
5:20pm – Norm Hillstrom, Eagle Signs
5:30pm – Selah Downtown Association

Mayor Gawlik opened the Study Session.

Wayne Petterson approached the podium and addressed the Council. He discussed his concept for a welcome sign, indicating that the original has been changed several times and still needs a place for the apple logo. He briefly explained his plans for the finished concept, noting that payment on the DOT site would be approximately three hundred fifty dollars annually, to be paid by the City.

Interim City Administrator Henne remarked that the minimum annual fee is based on the square footage and retail value of the property to be leased, and that it would also entail a five to ten thousand dollar permit fee, responsibility for all construction and a possible relocation of the pond at the bottom of the slope.

Jack McEntire approached the podium and addressed the Council. He talked about his original proposal of using the two basalt eagles from Public Works as part of the welcome sign, and mentioned that he has also been talking with Mr. Petterson about the possibility of a sign that incorporates both the eagles and the steel sculpture. He noted that basalt is both durable and native to the area, and that the eagles not only represent our national symbol but also nest in the canyon.

Norm Hillstrom approached the podium and addressed the Council. He said that they took a different approach to the project; they were asked to do a sign that goes over the roadway, one you'd see both coming and going. He commented that their approach is colorful, made out of fabricated aluminum, and engineered to meet DOT specs, and that banners and flags could be added to it as well.

Interim City Administrator Henne commented that the proposed location isn't compatible with the proposed new lane for Southern Avenue; it would need to be placed to the north of Southern Avenue if they opted to go that route.

Kari Gravrock approached the podium and addressed the Council. She gave a brief speech about their 501c3 status, the possibility of using a design firm to assist them in finding Selah's identity and how to utilize that to draw businesses and tourists to town.

Discussion followed on the proposals, the need for signs at both entrances to Selah, and the size of the proposed signs.

The Study Session ended at 5:56pm.

City of Selah
Council Minutes
February 24, 2015

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Gawlik called the meeting to order at 6:30pm.

B. Roll Call

Members Present: Dave Smeback; Allen Schmid; Brooke Finch; Roy Sample; Jane Williams

Members Excused: Paul Overby; John Tierney

Staff Present: Joe Henne, Interim City Administrator; Gary Hanna, Fire Chief; Rick Hayes, Police Chief; Dale Novobielski, Clerk/Treasurer; Tom Durant, Community Planner; Andrew Potter, Assistant to the City Administrator; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Council Member Smeback led the Pledge of Allegiance. Pastor Mark Griesse led the prayer.

D. Agenda Changes **None**

E. Public Appearances/Introductions/ Presentations **None**

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

G. Communications

1. Oral

Mayor Gawlik opened the meeting. Seeing no one rise to speak, he then closed the meeting.

2. Written

a. Update on Financial Status of Volunteer Park

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Williams requested that item M – 3 be added to the Consent Agenda.

Mayor Gawlik responded that Interim City Administrator Henne had requested that the item not be placed on the 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: February 10, 2015 Study Session and Council Meeting
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 78319 – 78343 for a total of \$149,782.65
 - Claim Checks Nos. 65317 – 65337 for a total of \$ 273.86
 - Claim Checks Nos. 65338 – 65398 for a total of \$122,125.67
- * 3. Resolution M – 1: Resolution to Approve the Wernex Loop – Local Agency Agreement Supplement Number 1 – Transportation Alternatives Program (TAP) Sidewalk Improvements
- * 4. Resolution M – 2: Resolution Authorizing the Mayor to approve Task Order 2015-1 between the City of Selah and Huibregtse, Louman & Associates, Inc. for Land Surveying Services for the survey of the Selah Civic Center Parking Lot project
- * 5. Resolution M – 5: Resolution of the City Council of the City of Selah, Washington, Adopting Public Defense Standards and Requesting the Mayor to Provide Updates to the City Council Regarding any Future Changes in the Adopted Standards in Conjunction with the Annual Budget Report
- * 6. Ordinance N – 1: Ordinance Amending the 2015 Budget for the 3rd Street Water Main Replacement Project
- * 7. Ordinance N – 2: Ordinance adopting a new City Of Selah 2014 Water System Plan and Repealing the 2008 Comprehensive Water Plan

Council Member Smeback moved, and Council Members Williams and Schmid seconded, to approve the Consent Agenda as read. By voice vote, approval of the Consent Agenda was unanimous.

- J. Public Hearings **None**
- K. New Business **None**

L. Old Business

None

M. Resolutions

- * 1. Resolution to Approve the Wernex Loop – Local Agency Agreement Supplement Number 1 – Transportation Alternatives Program (TAP) Sidewalk Improvements
- * 2. Resolution Authorizing the Mayor to approve Task Order 2015-1 between the City of Selah and Huibregtse, Louman & Associates, Inc. for Land Surveying Services for the survey of the Selah Civic Center Parking Lot project
- 3. Resolution Authorizing the Mayor to approve Task Order 2015-2 between the City of Selah and Huibregtse, Louman & Associates, Inc. for a boundary and topographic survey for Wixson Park

Interim City Administrator Henne addressed M – 3. He said that they’ve had several meetings with those who have a vested interest in the pool, such as the Selah Dolphins and the Selah School District, the Selah Park and Recreation Service Area Board, and the Parks Foundation, and the consensus is that the new pool will be located at Wixson Park. He noted that the additional parking by the Civic Center will be close to the pool as well, and that he doesn’t feel this would be a waste of money.

Mayor Gawlik remarked that the conversations with the groups have been good, and that the City has a good relationship with them.

Council Member Schmid moved, and Council Member Sample seconded, to Approve the Resolution Authorizing the Mayor to approve Task Order 2015-2 between the City of Selah and Huibregtse, Louman & Associates, Inc. for a boundary and topographic survey for Wixson Park. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote approval was unanimous.

- 4. Resolution Approving the Preliminary Plat of “Somerset II” (912.42.14-05) and Adopting Findings and Conditions of Preliminary Plat Approval

Planner Durant addressed M – 2. He said that he will present both the Resolution and Ordinance, as they are related, and that if Council approves the one then they should approve the other. He briefly outlined the Hearing Examiner’s findings and the conditions he recommended that the Planned Development (PD) be subject to of approved, adding that staff recommends approval of the PD and adoption of the Hearing Examiner’s conclusions but not his recommendation.

Council Member Schmid expressed his confusion over the Hearing Examiner’s recommendation and the staff recommendation, saying that it seems like conflicting information regarding the subdivision rezone and Growth Management Act (GMA) and how they deal with planned developments. He stated that an R-1 lot must be a minimum of eight thousand square feet, but a planned development can be whatever lot size that Council and the developer agree on and still be considered an R-1.

Planner Durant responded that any Comprehensive Plan rezone has to conform with the Plan.

Council Member Schmid commented that, if a development can have five lots per acre, how can we allow Council to determine lot size via Ordinance that doesn't have to follow code requirements.

Planner Durant replied that they can configure the lot size however they wish, as long as it's consistent with the amount allowed per the size of the entire property.

Council Member Schmid wondered if the size of the property allows for twenty-four lots.

Planner Durant responded in the affirmative.

Council Member Schmid inquired as to how many square feet that would be per lot.

Planner Durant replied that it would make each lot approximately seven thousand square feet.

City Attorney Noe remarked that Planner Durant is correct, as the density permitted by the Comprehensive Plan dictates what can be done with a planned development, not necessarily lot size. He noted that the Zoning code does have a minimum lot size but if the development is in compliance with a planned development they can have a smaller lot size than that listed in the Zoning code.

Mayor Gawlik requested City Attorney Noe's opinion on whether both the Resolution and Ordinance must be approved or denied.

City Attorney Noe responded that they are linked; the zoning change to a planned development wouldn't be done with approval of the planned development.

Mayor Gawlik asked if they should be consolidated and voted on together.

City Attorney Noe replied that it is up to the Council; they could opt to do vote on the items as one.

Council Member Schmid wondered if the Ordinance should be done prior to approval of the Resolution.

City Attorney Noe responded that in theory, yes it would be done that way, adding that the agenda is set up with Resolutions heard prior to Ordinances.

Council Member Smeback observed that there is a lot of detail in planning, and that the City needs to grow within the Comprehensive Plan in a way that makes sense. He expressed his concern over the Council, who are novices when compared to the Hearing Examiner, possibly go around his recommendation when dealing with complex items. He added that he is in favor of what the Hearing Examiner stated in his Findings.

Council Member Williams stated that she feels the same; this is a very complex situation dealing with many issues that the Hearing Examiner had to sort through, and she trusts his decision on the matter. She asked where the missing conclusion on exhibit number five was.

Planner Durant replied that it appears it just wasn't finished but the attorney.

City Attorney Noe remarked that the item was submitted to the Hearing Examiner that way.

Council Member Williams noted that there was no signature or other information to indicate who the attorney was.

Planner Durant said that he suspects it came from when Council remanded the matter to the Hearing Examiner.

Council Member Williams wondered if the public saw the information labeled as exhibit seven, which appears to be information from the municipal code website, and where it came from. .

Planner Durant responded that he believes that information was compiled by City staff.

Council Member Schmid commented that a lot of these exhibits were presented to the Hearing Examiner by Mr. Worby, during the public hearing.

Council Member Williams asked if everything in the packet was presented to the public and the Hearing Examiner.

Planner Durant replied that he believes it was all given to the Hearing Examiner.

Council Member Williams felt that Council should follow the Hearing Examiner's recommendation.

Planner Durant noted that the Comprehensive Plan provides for a maximum of five dwellings per acre, as stated under the land use element of the Plan.

Council Member Finch had no questions, but echoed her fellow Council Members' thoughts regarding the determination brought by the Hearing Examiner, saying that she can't remember a time when Council has opted to go against his recommendation.

Mayor Gawlik inquired if he should get a consensus from Council on whether they wish to vote on the two items jointly or separately, and if he should open the floor for any rebuttal or argument from those in attendance.

City Attorney Noe responded that the first matter is Council's pleasure, and that if they opt to approve the application then the rezone needs to be approved first. He added that it is up to the discretion of the Council as to whether they wish to hear additional arguments on the matter, as they are tasked with either following the Hearing Examiner's recommendation or going against it if they feel it is clearly erroneous.

Council Member Schmid wondered what the Hearing Examiner's meant by a recommendation of denial with prejudice.

City Attorney Noe answered that it was without prejudice, which means that the applicant can come back with a better application to be presented to the Hearing Examiner.

Council Member Williams asked if that meant it would go back to the Hearing Examiner to look at or to Council.

City Attorney Noe replied that it would go back to the Hearing Examiner, as it would essentially be a new application.

Mayor Gawlik requested that each Council Member state their opinion on voting jointly or separately, and whether they would like to hear any arguments or rebuttal from the audience.

Council Member Finch requested that they vote on them separately and also that the public have opportunity to speak.

Council Member Smeback agreed.

Council Member Williams inquired if she could make a motion to accept the Hearing Examiner's decision.

Mayor Gawlik responded that he didn't think it was appropriate at that time, and asked for her opinion on whether to vote separately or jointly.

Council Member Williams stated that she would like to vote on them jointly.

Council Member Schmid said that he agreed with Council Member Finch.

Council Member Williams wondered if any new information would be presented.

Mayor Gawlik replied in the negative, saying procedure is that it can only be rebuttal at this stage.

Council Member Williams stated that she is in favor of hearing the public speak on the matter.

Mayor Gawlik asked Planner Durant to stand aside, adding that, based upon Council's approval, they will accept arguments and rebuttal.

City Attorney Noe remarked that Council could only hear from those folks who testified in front of the Hearing Examiner.

Council Member Schmid asked for confirmation that only those testified can speak.

City Attorney Noe responded in the affirmative, adding that an attorney can also speak on a person's behalf.

Council Member Schmid commented that there are a lot of people in the audience but they have no list of who testified at the hearing.

City Attorney Noe replied that they are listed in the minutes, on pages eighteen to twenty.

Mayor Gawlik stated that Council has consented to receive rebuttal from those who gave testimony in front of the Hearing Examiner. He asked if Mr. Weller if he wished to speak.

Mark Weller approached the podium and addressed the Council. He said that the average lot size in the subdivision is seven thousand square feet, which is below average lot size.

Mayor Gawlik asked Ms. Fontaine if she wished to speak.

Ms. Fontaine declined.

Mayor Gawlik asked Mr. and Mrs. Hoffert if they wished to speak.

Mr. and Mrs. Hoffert declined.

Mayor Gawlik asked Mr. and Mrs. Richards if they wished to speak.

Brian Richards approached the podium and addressed the Council. He said that the Hearing Examiner denied the application.

Mayor Gawlik corrected him, saying that the Hearing Examiner recommended denial of the application.

Mr. Richards stated that he is in favor of Council going along with the Hearing Examiner's recommendation, saying that if one walked through the neighborhood one would see that it doesn't fit the surrounding area. He read section 10.24.70 of the Selah Municipal Code aloud, noting that it states that project density shall not exceed land use. He felt that the proposal didn't fit the Comprehensive Plan for the area, and that justification for a rezone doesn't exist. He said that he doesn't believe the applicant has made a good case for the requested change in zoning.

Josh Busey approached the podium and addressed the Council. He said that he is Mr. Sample's attorney, and would like to speak on his behalf, although he was not present at the original hearing.

City Attorney Noe stated that he can make an argument but not offer new evidence.

Mr. Busey commented that he was asked to come because Council Member Sample stepped out of the room. He reiterated that the Zuker-Sample development is in favor of the proposal, and has no problem with the conditions listed by the hearing Examiner. He felt that Mr. Durant did a good job answering questions, and that he is in favor of the motion and conditions.

Mayor Gawlik asked Mr. Wayne Worby if he wished to speak.

Wayne Worby approached the podium and addressed the Council. He observed that this process has been an education, although he was still not sure what they were doing right then, as the Hearing

Examiner recommended denial of the development project. He wondered why Council was trying to separate the matter.

Mayor Gawlik informed him that Council wishes to handle each item separately.

Mr. Worby inquired as to how they got separated.

City Attorney Noe responded that, if Council wants to go forward with the Hearing Examiner's recommendation of denial, there would be no need for the rezone.

Council Member Finch commented that she prefers not to lump two items that are separate together.

Mr. Worby asked what they would like to hear from him.

Council Member Finch said that they would hear whatever he wanted to provide.

Mayor Gawlik noted that only arguments for rebuttal are allowed at this stage.

Council Member Williams wondered if he remembered what the missing conclusion was.

Mr. Worby remarked that the attorney was Mike Shin.

City Attorney Noe cautioned him against offering information that wasn't provided or of record.

Mr. Worby said that the Hearing Examiner made his recommendation based on the in total development plan, which originally had a development of seventeen lots that matched phase 1 of the loop. He went on to say that, when Mr. Sample got on the Council he applied for a rezone to Planned Development, which requires certain things to be eligible, such as a change in zoning circumstances and conducting a public meeting. He stated that the proposed development would be cluster housing per the code, and that it would also require a second road that would further reduce the size of some of the lots.

City Attorney Noe reminded him that he could only present what had been previously brought before the Hearing Examiner.

Mr. Worby observed that putting in a private road would affect twelve lots within the subdivision, and that five residences per acre exceeds the R-1 density. He noted that most of the lots on Herlou Drive and Weems Way are .20 to .66 of an acre, and that the application submitted was incomplete, with undefined architecture and landscaping standards. He suggested that the City encourage new residential construction projects to be compatible with existing residential developments. He finished by saying that there are too many conflicts within the code that need to be addressed, as there is an issue with inconsistencies.

Mayor Gawlik asked Brad Worby if he wished to speak.

Mr. Worby declined.

Mayor Gawlik asked Mr. Ness if he wished to speak.

Mr. Ness declined.

Mayor Gawlik stated that this completes the list of those who testified.

Council Member Schmid felt that Mr. Worby made mention of one thing they as a City need to take a look at, namely the current minimum of eight thousand square feet for a lot. He noted that it was seven thousand square feet prior to the Growth Management Act, that they should re-address the lot size for the community. He felt that a lot of people aren't wanting a big space to maintain, noting that Yakima has dropped their minimum to six thousand square feet because of this trend.

Council Member Williams moved, and Council Member Smeback seconded, to adopt the Hearing Examiner's Recommendation of Denial without Prejudice regarding the application by Zuker-Sample LLC for the Preliminary Plat of "Somerset II". Roll was called: Council Member Smeback – yes; Council Member Schmid – abstain; Council Member Finch – yes; Council Member Sample – recused; Council Member Williams – yes. Motion passed with three yes votes, one recusal, and one abstention.

- * 5. Resolution of the City Council of the City of Selah, Washington, Adopting Public Defense Standards and Requesting the Mayor to Provide Updates to the City Council Regarding any Future Changes in the Adopted Standards in Conjunction with the Annual Budget Report

N. Ordinances

- * 1. Ordinance Amending the 2015 Budget for the 3rd Street Water Main Replacement Project
- * 2. Ordinance adopting a new City Of Selah 2014 Water System Plan and Repealing the 2008 Comprehensive Water Plan
- 3. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.42.14-05 Rezone to Planned Development (PD)

Council Member Smeback moved, and Council Member Williams seconded, to deny the Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.42.14-05 Rezone to Planned Development (PD). Roll was called: Council Member Smeback – yes; Council Member Schmid – abstain; Council Member Finch – yes; Council Member Sample – recused; Council Member Williams – yes. Motion passed with three yes votes, one recusal, and one abstention.

O. Reports/Announcements

- 1. Mayor

Mayor Gawlik said that they have conducted the first round of interviews and selected three finalists for a second interview. He stated that the three candidates, Jon Hanken, Donald Wayman, and Joe Henne, will be brought in for a second interview on March 6th, and that the person selected will be presented to Council for questioning and confirmation. He noted that the person selected will need to complete a background investigation. He thanked those who gave presentation during the Study Session and also those who gave testimony.

Council Member Williams asked if the March 6th interviews were open to the public.

Mayor Gawlik responded in the negative, noting that the panel has allowed up to two Council Members to be present but not participate in questioning; Council will have their opportunity to ask questions during a Study Session at a later meeting.

2. Council Members

Council Member Finch stated that she disagrees with Council Member Schmid regarding lot sizes, but agrees that it is imperative that they move forward to address the municipal planning code. She suggested holding a study session or retreat in April to start this process.

Council Member Sample passed out the new Selah Downtown Association flyers that explain the B&O tax donation for businesses.

Council Member Smeback had no report.

Council Member Williams expressed her thanks to the audience for attending the meeting and letting their voices be heard.

Council Member Schmid had no report.

3. Departmental

Clerk/Treasurer Novobielski said that the January financial statements have been posted on the City's website, noting that the first two months of the year have been the best opening months in eighteen years from a revenue standpoint.

Fire Chief Hanna said that his new hire has passed everything and will start on March 16th. He stated that L&I has finished their compliance audit of an incident at a local fruit warehouse last October, and that they did receive two citations as well as adding non-slip surfaces where they exit the trucks. He noted that the citations were from them taking the word of the warehouse employees regarding the incident, which they are addressing with training, and also having a firefighter walk inside without appropriate clothing for potentially hazardous materials, which they have taken steps to remedy.

Police Chief Hayes said that the annual Polar Plunge was held on Saturday, and that the Selah Police department and the Yakima Training Center took first place for the most donation received. He noted that they have slowed down their schedule for hiring a new employee due to the interviews for a new City Administrator.

Council Member Schmid remarked that he noticed a medical cost of over thirty-five hundred dollars for a jailed individual.

Police Chief Hayes responded that they have discovered that they can get a free ambulance ride to the hospital, adding that the jail will call beforehand in the future to see if something can be worked out.

Bruce Williams, Yakima Training Center, approached the podium and addressed the Council. He said that Fire Chief Hanna was out at the Training Center last week for some training, and that they hope to have Police Chief Hayes come out next time.

Interim City Administrator Henne expressed his apologies to Council for the things not running smoothly in regards to the planning department item, adding that in the future they will make sure that the copies are clear and have page numbers added to them for reference. He thanked them for passing the Resolution that allows them to proceed the Wernex Loop project. He noted that the comprehensive water plan will be filed with the Department of Health.

City Attorney Noe had no report.

4. Boards **None**

P. Executive Session **None**

Q. Adjournment

Council Member Smeback moved, and Council Members Finch and Williams seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 8:02pm.

John Gawlik, Mayor

EXCUSED
Paul Overby, Council Member

EXCUSED
John Tierney, Council Member

Dave Smeback, Council Member

Allen Schmid, Council Member

Brooke Finch, Mayor Pro Tem

Roy Sample, Council Member

Jane Williams, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM
3/10/2015 I – 2

Title: Claims & Payroll

Thru: Joe Henne, Interim City Administrator

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: See Check Registers.

Funding Source: Various. See Check Registers.

Staff Recommendation:

Approval of Claims & Payroll as listed on Check Registers.

Background / Findings & Facts:

See check Registers.

Recommended Motion:

Motion to Approve the Consent Agenda as read. (This item is part of the Consent Agenda)



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/10/2014 M – 1

Title: Resolution Denying the Preliminary Plat of “Somerset II” (912.42.14-05) and Adopting Findings and Conditions of Preliminary Plat Denial

Thru: Joe Henne, Interim City Administrator

From: Thomas R Durant, Community Planner

Action Requested: Approval

Board/Commission Recommendation: Denial

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

Approval

Background / Findings & Facts:

The Hearing Examiner conducted open record public hearing December 4, 2014. Prepared Findings of Fact and Conclusions recommending Denial of the Somerset II Preliminary Plat based on the recommendation for denial of the Planned Development without prejudice, *with allowance for reopening the open public record hearing in accordance with SMC 10.24.060.*

At the February 24, 2015 Council Meeting Council voted to deny the plat and adopt the Hearing Examiner’s Findings of Fact and Conclusions. This Resolution is the formal adoption of said vote.



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



Recommended Motion:

I move to approve the Resolution Denying the Preliminary Plat of “Somerset II” (912.42.14-05) and Adopting Findings and Conditions of Preliminary Plat Denial

Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
2/24/2015	City Council Closed Record Public Hearing. Vote to adopt the Hearing Examiner’s Findings of Fact and Conclusions and deny the Preliminary Plat
12/4/2014	Hearing Examiner – Open Record Public Hearing
10/14/2014	City Council Closed Record Public Hearing – remanded
9/30/2014	Planning Commission – Open Record Public Hearing

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RESOLUTION NO. _____

RESOLUTION DENYING THE PRELIMINARY PLAT OF "SOMERSET II" (912.42.14-05) AND ADOPTING FINDINGS AND CONDITIONS OF PRELIMINARY PLAT DENIAL

WHEREAS, on February 24 2015 the City of Selah City Council considered Preliminary Plat No. 912.42.14-05 known as "SOMERSET II" on Herlou Drive and Lyle Loop Road Yakima County Taxation Parcel Numbers: (181426-44005 and 181426-44021); and,

WHEREAS, the Preliminary Plat was combined with an application for rezone of the subject property from One Family Residential (R-1) to Planned Development (PD) and is dependent on approval of that application; and,

WHEREAS, The Hearing Examiner recommended denial of the combined application of Preliminary Plat and rezone without prejudice, with allowance for re-opening the open record proceeding commenced in accordance with SMC 10.24.060 to allow consideration of and public comment on additional information and amended development plan and program material submitted by the applicant in its discretion; and,

WHEREAS, the City of Selah adopted the Hearing Examiner's findings and conclusions for the Planned Development rezone, denying it without prejudice, as recommended by the Hearing Examiner; and,

WHEREAS, the City of Selah Council has considered the Hearing Examiner's findings of fact and conclusions and the Council is satisfied that the matter has been sufficiently considered; and,

WHEREAS, the City Council adopts the Findings and Conclusions of the Hearing Examiner's Recommendation dated December 19, 2014.

WHEREAS, the City Council considered the elements of public use and interest to be served by such platting, and

WHEREAS, the City Council considered the elements of public health, safety, and general welfare pertaining to the preliminary plat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that Preliminary Plat No. 912.42.14-05 designated as "Somerset II" be denied, without prejudice as recommended by the Hearing Examiner's Findings and Conclusions.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON
this 10th day of March, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

Resolution No. _____

Vote: Motion passed with three yes votes, one abstention, one recusal, and two absent.

Council Member Overby	Absent
Council Member Tierney	Absent
Council Member Smeback	Yes
Council Member Schmid	Abstain
Council Member Finch	Yes
Council Member Sample	Recused
Council Member Williams	Yes



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/10/2015 M – 2

Title: Resolution Authorizing the Mayor To Sign An Agreement With the Selah Downtown Association Concerning Financial Support.

Thru: Joe Henne, Interim City Administrator

From: Dale Novobielski, Clerk-Treasurer

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: \$15,000 annual support which is in the current budget.

Funding Source: Fund 001 General Fund - Dept 13 Executive

Staff Recommendation:

Approve Resolution.

Background / Findings & Facts:

The City desires to enter into a written agreement with the Selah Downtown Association (SDA) concerning accounting requirements and expenditure expectations for annual financial support currently being provided by the City to the SDA.

This is a modified version of the contract reflecting the changes that Council requested Bob Noe make to the agreement.

Recommended Motion:

I move to approve the Resolution authorizing the Mayor to sign a written agreement with the Selah Downtown Association concerning financial support.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:

Action Taken:

2/10/2015

Council voted to have the contract brought back at the March 10, 2015 meeting with modifications made by City Attorney Noe

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RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT
WITH THE SELAH DOWNTOWN ASSOCIATION

WHEREAS, the City of Selah wishes to enter into a written agreement with the Selah Downtown Association (SDA) which memorializes the past and current status of the relationship between the parties concerning financial support being provided by the City to the SDA in exchange for specified consideration;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Mayor be authorized to sign an agreement with the Selah Downtown Association, attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON this 10th day of March, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk Treasurer

APPROVE AS TO FORM:

Robert Noe, City Attorney

RESOLUTION NO. _____

AGREEMENT BETWEEN THE CITY OF SELAH
AND THE
SELAH DOWNTOWN ASSOCIATION

THIS AGREEMENT is made, by and between the City of Selah, a Washington municipal corporation ("CITY"), and the Selah Downtown Association, a Washington Nonprofit ("SDA").

WHEREAS, the CITY and SDA both have a desire to ensure that beautification and improvements ("enhancements") be made to the downtown corridor of the City of Selah;

WHEREAS, such enhancements will stimulate business and the economy, stimulate development, and enhance the enjoyment of persons residing within the City

WHEREAS, such enhancements will additionally serve to promote tourism to the City and increase the appeal of the City to visitors;

WHEREAS, the SDA has recognized Washington state "Main Street" status;

WHEREAS, the SDA has the ability to mobilize the private sector towards the goal of revitalizing the CITY's downtown corridor; and,

WHEREAS, the CITY has in the past, for years 2013 and 2014, provided funds in the amount of \$15,000.00 per year to SDA to assist it in its efforts to obtain the joint goal of the CITY and SDA to achieve enhancements to the CITY's downtown corridor;

WHEREFORE, the parties agree as follows:

1. Recitals. The recitals set forth above are incorporated herein by this reference as part of this Agreement.
2. Purpose. The CITY and the SDA both desire to work toward the mutual goal of enhancing the CITY's downtown corridor.
3. Term. This Agreement shall be for a period of 3 years commencing January 1, 2015 and expiring on December 31, 2017 unless terminated earlier as provided in paragraph 9 below.

4. **Consideration.** In consideration of the CITY paying money to the SDA (in the amount of \$15,000 per year or as may otherwise be determined by the CITY in its sole discretion), the SDA shall expend such funds to undertake projects or other efforts meeting the CITY'S approval for purposes of beautification or redevelopment of the downtown corridor for the benefit of the residents of the City of Selah, as a whole, and for the benefit of City of Selah business community in order to promote economic development, revitalization, tourism within and to the CITY. Prior to undertaking any projects or efforts in pursuance of this Agreement utilizing CITY funds provided to the SDA in excess of \$1000.00, the SDA shall consult with and obtain City Council approval before moving forward with such project or effort.
5. **Indemnification.** The SDA is expected to maintain its own liability insurance and the SDA shall indemnify and hold the CITY and its representatives, officers, agents or employees, harmless against liability costs and expenses arising out of any claims for loss or damage to property and for injuries to or deaths of any persons arising out of or resulting from the acts, errors, or omissions of the SDA acting in accordance with this Agreement. The SDA agrees to give the CITY prompt notice of any claim made or suit instituted which in any way affects or might affect the City.
6. **Not City employees.** SDA officers, directors, agents, members, or employees are not agents or employees of the CITY for any purpose and they are not entitled to any of the protections or benefits that the CITY may afford to its employees.
7. **Compliance with applicable laws.** SDA is responsible for ensuring that it obtains any licenses and or permits it may be required to possess to conduct its business or to engage in any activities in which it may engage. SDA is responsible for ensuring that it is in compliance with all applicable federal, state, and local laws applicable to its conduct of business and the activities in which may engage.
8. **Accounting.** The SDA shall provide to the CITY on or before January 15 of each year an accounting indicating how money provided to the SDA by the CITY has been spent and what balance, if any, exists. Additionally, the SDA will provide quarterly financial reports to the CITY for inclusion in the City Council's packet as informational materials. The CITY shall be provided with the ability to review SDA bookkeeping records if the CITY so desires to review SDA finances and SDA shall not withhold access to of those records to the CITY. In the event, that the CITY discovers that SDA has made any expenditures that are not in furtherance of the objectives set forth in section (4) above, the CITY may terminate this Agreement as provided in section (9) and SDA shall reimburse the CITY For any funds expended that are determined to not be in furtherance of the objectives set forth in section (4).
9. **Termination.** This Agreement may be terminated by either party giving 30 days written notice of termination.

10. Return of Funds. In the event that this Agreement expires or is terminated, the SDA shall immediately (no later than 10 business days) pay back to the CITY any unused funds it is holding which the CITY has provided to it.
11. Notices. Any notice or other communication given hereunder shall be deemed sufficient if in writing and delivered personally or sent by certified mail, return receipt requested, to the address that follows:

CITY OF SELAH

SELAH DOWNTOWN ASSOCIATION

City Administrator
City of Selah
115 W. Naches Ave.
Selah, WA 98942

Karianna Dubois, President

AGREED this 10th day of February, 2015

CITY OF SELAH

Mayor John Gawlik

AGREED this _____ day of _____, 2015

SELAH DOWNTOWN ASSOCIATION

Karianna Dubois, President



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/10/2015 M – 3

Title: Resolution to Approve the Wernex Loop – Supplemental Agreement Number 1, to the Local Agency Standard Consultant Agreement – for the Transportation Alternatives Program (TAP) for Engineering Construction Services for the Sidewalk Improvements on Wernex Loop.

Thru: Joe Henne, Interim City Administrator

From: Joe Henne, Public Works Director

Action Requested: Approval

Board/Commission Recommendation: Approval

Fiscal Impact: \$21,500.00

Funding Source: 111.000.095.595.30.63.32

Staff Recommendation:

Approve a Resolution endorsing the WSDOT Local Supplemental Agreement No. 1. This supplement allows for the engineering design and construction services for construction phase of the project.

Background / Findings & Facts:

The City applied for and was selected for funding to construct a curb, gutter and sidewalk along the north side of Wernex Loop. Total project cost is estimated at \$213,000.00. This estimate included the consultant engineering cost and is covered in the TAP grant.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Recommended Motion:

Move to approve the Resolution to Approve the Wernex Loop – Supplemental Agreement Number 1, to the Local Agency Standard Consultant Agreement – for the Transportation Alternatives Program (TAP) for Engineering Construction Services for the Sidewalk Improvements on Wernex Loop

Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
2/24/2015	Resolution authorizing Mayor to sign the WSDOT Local Agency Agreement Supplement Number 1 for the Transportation Alternatives Program (TAP) funding for sidewalk along Wernex Loop.

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RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE WSDOT
SUPPLEMENTAL AGREEMENT NUMBER 1 TO THE LOCAL AGENCY
STANDARD CONSULTANT AGREEMENT FOR THE TRANSPORTATION
ALTERNATIVES PROGRAM (TAP) ENGINEERING AND DESIGN SERVICES FOR
THE SIDEWALK IMPROVEMENTS ON WERNEX LOOP.**

WHEREAS, the City of Selah wishes to supplement the agreement entered into with Huibregtse, Louman Associates, Inc. (HLA), executed on August 12, 2014 for sidewalk construction along Wernex Loop using the Transportation Alternatives Program, and

WHEREAS, approving the WSDOT Supplemental Agreement Number 1 outlining engineering design and construction services, and

WHEREAS, the project will construct a six (6) foot sidewalk, curb and gutter from the entrance into the Selah Middle School, North along Wernex Loop to North First Street;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor is authorized to sign the Supplemental Agreement Number 1 for a sidewalk on Wernex Loop.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 10th day of March, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Robert F. Noe, City Attorney

RESOLUTION NO. _____



Supplemental Agreement Number <u>1</u>		Organization and Address Huibregtse, Louman Associates, Inc. 2803 River Road Yakima, WA 98902	
Original Agreement Number 14064E		Phone: 509-966-7000	
Project Number TAP-4703(004)	Execution Date 8/12/2014	Completion Date 12/31/2015	
Project Title Wernex Loop	New Maximum Amount Payable \$ 47,400.00		
Description of Work Engineering Design and Construction Services for construction of sidewalk, curb and gutter, and storm drainage (north side of roadway).			

The Local Agency of City of Selah
desires to supplement the agreement entered into with Huibregtse, Louman Associates, Inc.
and executed on 8/12/2014 and identified as Agreement No. 14064E

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See attached description of additional work, Exhibit A-1

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: Completion date shall be changed to 12/31/15

III

Section V, PAYMENT, shall be amended as follows:

All work described in Exhibit A-1 Scope of Work above shall be performed for the lump sum fee of \$21,500.00

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: Jeffrey T. Louman

By: John Gawlik, Mayor

Consultant Signature

Approving Authority Signature

Date

**Exhibit A-1
Scope of Work**

Project No. 14064C

- A. Provide full construction administration.
- B. Provide a Resident Engineer to monitor the Contractor's compliance with the contract plans and specifications (estimated 30 working day construction contract).
- C. Prepare and file progress reports and estimates for State, County and City Review.
- D. Provide material testing and review of testing reports.
- E. Monitor labor rate compliance and maintain construction documentation for State and Federal process reviews.
- F. Attend project meetings with the Owner and Contractor as required.
- G. Prepare Change Orders necessary for City's review.
- H. Prepare Record Drawings of the completed project.
- I. Organize final inspection and recommend final acceptance by the City at project completion.

Documents To Be Furnished By The Consultant

- A. Notice to Proceed letter to the Contractor.
- B. Progress pay estimates and recommendations on a monthly basis.
- C. Labor review documentation.
- D. Change Order(s) and/or Force Account documentation, as required.
- E. Record Drawings.
- F. Final pay estimate and recommendation for project acceptance.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/10/2015 M – 4

Title: Resolution Authorizing the Mayor to sign an Interagency Amendment No. 1 between the City of Selah and the Washington State Department of Enterprise Services (DES), Facilities Division, Engineering and Architectural Services.

Thru: Joe Henne, Interim City Administrator

From: Joe Henne, Public Works Director

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: \$60,000.00

Funding Source: 415.000.094.594.35.63.05

Staff Recommendation:

Acceptance and approval.

Background / Findings & Facts:

The City has entered into an agreement with DES to provide the necessary personnel and services and otherwise do all things necessary for or incidental to the performance of the work for the City-wide energy conservation project. DES shall be responsible for performing all fiscal and program responsibilities set forth in the attached contract.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Recommended Motion:

Approve the Resolution and authorize the Mayor sign Amendment No. 1 to the DES Interagency Agreement.

Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
5/13/2014	Resolution authorizing the Mayor to sign an Interagency Agreement between the City of Selah and DES to provide energy conservation project management.
7/8/2014	Resolution authorizing the Mayor to enter into an Agreement with DES for an Audit Agreement.

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[Click here to enter a date.](#) **TITLE OF ITEM**

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RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN
INTERAGENCY AMENDMENT NO. 1 TO THE INTERAGENCY
AGREEMENT BETWEEN THE CITY OF SELAH AND THE
WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES,
FACILITIES DIVISION, ENGINEERING AND ARCHITECTURAL
SERVICES.**

WHEREAS, The City of Selah wishes to replace aging and non-energy efficient equipment at the Waste Water Treatment Plant, retrofit city owned street lights with LED heads and LED upgrades to exterior lighting at various locations, and

WHEREAS, The Washington State Department of Enterprise Services (DES), Facilities Division, Engineering and Architectural Services shall furnish the necessary personnel and services to oversee state approved contractors to accomplish this work, and

WHEREAS, otherwise do all things necessary for or incidental to performance of work set forth in the attached Interagency Amendment No.1, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor is authorized to sign the Interagency Amendment No. 1 with the Washington State Department of Energy Services, a copy of which is attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 10th day of March, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Bob Noe, City Attorney

RESOLUTION NO. _____

INTERAGENCY Amendment

Department of Enterprise Services

Date: February 6, 2015
Agreement No: K2813
Project No.: 2015-006
Amendment No: 1

**Interagency Agreement Between the
State of Washington
Department of Enterprise Services
and the
City of Selah**

The parties to this Agreement, the Department of Enterprise Services, Facilities Division, Engineering & Architectural Services, hereinafter referred to as "DES", and the City of Selah, hereinafter referred to as the "CLIENT AGENCY", hereby amend the Agreement as follows:

1. Statement of Work

DES shall furnish the necessary personnel and services and otherwise do all things necessary for or incidental to the performance of the work set forth in Attachment "A" and Attachment "C", attached hereto and incorporated herein by reference. Unless otherwise specified, DES shall be responsible for performing all fiscal and program responsibilities as set forth in Attachment "A" and Attachment "C".

Energy/Utility Conservation projects shall be authorized by Amendment to this Agreement.

- 1.1 WWTP and Exterior Lighting Energy Efficiency Project outlined in the Ameresco, Inc. Energy Services Proposal dated January 8, 2015.**
- 1.2 Review of Measurement and Verification reports for years 2 and 3 for the WWTP and Exterior Lighting Energy Efficiency Project outlined in the Ameresco, Inc. Energy Services Proposal dated January 8, 2015.**

3. Period of Performance

Subject to its other provisions, the period of performance of this Agreement shall commence on May 21, 2014, and be completed on **December 31, 2019**, unless altered or amended as provided herein.

4. Consideration

Compensation under this Agreement shall be by Amendment to this Agreement for each authorized project. Each Amendment will include a payment schedule for the specific project.

For Project Management Services provided by DES under Attachment "A" of this Agreement, the CLIENT AGENCY will pay DES a Project Management Fee for services based on the total project value per Project Management Fees Schedule set forth in Attachment "B".

If the CLIENT AGENCY decides not to proceed with an Energy/Utility Conservation project that meets the CLIENT AGENCY's cost effective criteria, then the CLIENT AGENCY will be charged a Termination Fee per Attachment "B". The Termination Fee will be based on the estimated Total Project Value outlined in the Energy Audit and Energy Services Proposal prepared by the Energy Services Company (ESCO).

If measurement and verification services are requested by the CLIENT AGENCY and provided by DES under Attachment "C" of this Agreement, the CLIENT AGENCY will pay DES \$2,000.00 annually for each year of monitoring and verification services requested.

Compensation for services provided by the ESCO shall be paid directly to the ESCO by the CLIENT AGENCY, after DES has reviewed, approved and sent the invoices to the CLIENT AGENCY for payment.

4.1 Energy Project Management Fee for the work described in Section 1.1 is \$56,000.00. Anticipated billing date for this Amendment is January 1, 2016.

4.2 Measurement and Verification Fee for the work described in Section 1.2 is \$4,000.00. Anticipated billing dates for this Amendment are January 1, 2018 and January 1, 2019.

The new total Agreement value is \$60,000.00.

5. Billing Procedure

DES shall submit a single invoice to the CLIENT AGENCY upon substantial completion of each authorized project, unless a project specified a Special Billing Condition in the Amendment. Substantial completion of the project will include the delivery and acceptance of closeout documents and commencement of energy savings notification. Each invoice will clearly indicate that it is for the services rendered in performance under this Agreement and shall reflect this Agreement and Amendment number.

DES shall invoice the CLIENT AGENCY for any remaining services within 60 days of the termination of this Agreement.

Special Billing Condition: Section 1.2 in the Statement of Work. DES shall submit invoice to the CLIENT AGENCY annually for \$2,000.00 on or before January 1 each year, beginning in 2018 and ending in 2019, unless terminated earlier.

All sections above have been fully amended and are shown in their entirety.

All other terms and conditions of this Agreement remain in full force and effect. The requirements of RCW 39.34.030 are satisfied by the underlying Agreement and are incorporated by reference herein.

Each party signatory hereto, having first had the opportunity to read this Amendment and discuss the same with independent legal counsel, in execution of this document hereby mutually agree to all terms and conditions contained herein, and as incorporated by reference in the original Agreement.

City of Selah

**Department of Enterprise Services
Facilities Division
Engineering & Architectural Services**

Title Date

William J. Frare, P.E.
Public Works Administrator

Title Date

K2813am1af

ATTACHMENT A

Scope of Work Energy/Utility Conservation Projects Management Services

Statewide Energy Performance Contracting Program Master Energy Services Agreement No. 2013-133

DES will provide the following project management services for each specific project for the CLIENT AGENCY. Each individual project shall be authorized by Amendment to this Agreement.

1. Assist the CLIENT AGENCY in the selection of an Energy Service Company (ESCO) consistent with the requirements of RCW 39.35A for local governments; or 39.35C for state agencies and school districts.
2. Assist in identifying potential energy/utility conservation measures and estimated cost savings.
3. Negotiate scope of work and fee for ESCO audit of the facility(s).
4. Assist in identifying appropriate project funding sources and assist with obtaining project funding.
5. Assist in negotiating the technical, financial and legal issues associated with the ESCO's Energy Services Proposal.
6. Review and recommend approval of ESCO energy/utility audits and Energy Services Proposals.
7. Provide assistance during the design, construction and commissioning processes.
8. Review and approve the ESCO invoice vouchers for payment.
9. Assist with final project acceptance.
10. Provide other services as required to complete a successful energy performance contract.

ATTACHMENT B

Fee Schedule

2013-15 Interagency Reimbursement Costs
for Project Management Fees to Administer
Energy/Utility Conservation Projects

<u>TOTAL PROJECT VALUE</u>	<u>PROJECT MANAGEMENT FEE</u>	<u>TERMINATION</u>
5,000,001.....6,000,000.....	\$66,000.....	25,700
4,000,001.....5,000,000.....	65,000.....	25,400
3,000,001.....4,000,000.....	64,000.....	25,000
2,000,001.....3,000,000.....	60,000.....	23,400
1,500,001.....2,000,000.....	56,000.....	21,800
1,000,001.....1,500,000.....	49,500.....	19,300
900,001.....1,000,000.....	42,000.....	16,400
800,001.....900,000.....	39,600.....	15,400
700,001.....800,000.....	36,800.....	14,400
600,001.....700,000.....	35,000.....	13,700
500,001.....600,000.....	32,400.....	12,600
400,001.....500,000.....	29,000.....	11,300
300,001.....400,000.....	24,800.....	9,700
200,001.....300,000.....	19,800.....	7,700
100,001.....200,000.....	13,800.....	5,400
50,001.....100,000.....	7,500.....	3,500
20,001.....50,000.....	4,000.....	2,000
0.....20,000.....	2,000.....	1,000

The project management fee on projects over \$6,000,000 is 1.1% of the project cost. The maximum DES termination fee is \$25,700.

1. These fees cover project management services for energy/utility conservation projects managed by DES's Energy Program.
2. Termination fees cover the selection and project management costs associated with managing the ESCO's investment grade audit and proposal that identifies cost effective conservation measures if the CLIENT AGENCY decides not to proceed with the project through DES.
3. If the project meets the CLIENT AGENCY's cost effectiveness criteria and the CLIENT AGENCY decides not to move forward with a project, then the CLIENT AGENCY will be invoiced per Attachment B Termination or \$25,700 whichever is less. If the CLIENT AGENCY decides to proceed with the project then the Agreement will be amended per Attachment B for Project Management Fee.
4. If the audit fails to produce a project that meets the CLIENT AGENCY's established Cost Effectiveness Criteria, then there is no cost to the CLIENT AGENCY and no further obligation by the CLIENT AGENCY.

ATTACHMENT C

Scope of Work Energy/Utility Conservation Projects Monitoring Services

Statewide Energy Performance Contracting Program Master Energy Services Agreement No. 2013-133

If requested DES will provide the following monitoring services for each specific project for the CLIENT AGENCY.

1. Monitor actual energy use and dollar costs, compare with the ESCO's annual Measurement and Verification (M&V) report and any ESCO guarantee, resolve differences, if needed, and approve any vouchers for payment.
2. Monitor facility operations including any changes in operating hours, changes in square footage, additional energy consuming equipment and negotiate changes in baseline energy use which may impact energy savings.
3. Provide annual letter report describing the ESCO's performance, equipment performance and operation, energy savings and additional opportunities, if any, to reduce energy costs.

B. PROJECT COST TABLE

PROJECT COSTS	Mech, Water, General	Lighting	Total Project Costs
Engineering Audit	\$ 17,210	\$ -	\$ 17,210
Estimated Labor and Material Cost	\$ 774,082	\$ 258,464	\$ 1,032,546
Tax on Streetlights (material)		\$ 12,738	\$ 12,738
M,W,G Design @ 10.0% of Labor & Material	\$ 77,408		\$ 77,408
Lighting Design @ 6.0% of Labor & Material		\$ 15,508	\$ 15,508
Construction Mgt @ 6.0% of Labor & Material	\$ 46,445	\$ 15,508	\$ 61,953
Bonding @ 2.0% of Labor & Material	\$ 15,482	\$ 5,169	\$ 20,651
ESCO Overhead and Profit @ 18.0% of Labor & Material	\$ 139,335	\$ 46,524	\$ 185,859
1st Year of Ameresco M&V			\$ 6,079
Subtotal:	\$ 1,069,962	\$ 353,911	\$ 1,429,952
Construction Contingency @ 5.0% of CC	\$ 38,704	\$ 12,923	\$ 51,627
Subtotal - Maximum Project Cost:	\$ 1,108,666	\$ 366,834	\$ 1,481,579
Est. Sales Tax @ 8.2% of Maximum Project Cost	\$ 90,911	\$ 16,298.33	\$ 107,707.42
2 Years of M&V - Ameresco (includes tax)			\$ 12,142
3 Years of M&V - DES			\$ 4,000
DES Project Management Fees			\$ 56,000
TOTAL PROJECT PRICE:	\$ 1,199,577	\$ 383,132	\$ 1,661,428
Estimated Utility Incentive	\$ 63,913	\$ 30,535	\$ 94,448
Comm. Request Grant Request			\$ 407,050
Estimated Client Net Cost (excluding add'l years M&V)			\$ 1,143,788
Client Initial Cash Payment of Non-State Dollars			\$ 150,000
Client Initial Cash Payment of State Dollars			\$ -
Amount to be Financed by Client:			\$ 993,788
Year 1 Estimated Cash Flow:			\$ (12,060)
Year 1 Cash Flow Based on Guaranteed Energy Savings (90%):			\$ (19,729)



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/10/2015 M – 5

Title: Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 A (1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project.

Thru: Joe Henne, Interim City Administrator

From: Joe Henne, Public Works Director

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: \$388,798.39

Funding Source: 415.000.094.594.35.63.05

Staff Recommendation:

Acceptance and approval.

Background / Findings & Facts:

The City has entered into an agreement with DES to provide the necessary personnel and services and otherwise do all things necessary for or incidental to the performance of the work for the City-wide energy conservation project. DES shall be responsible for performing all fiscal and program responsibilities.

Recommended Motion:

Accept and approve resolution for funding approval.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
5/13/2014	Resolution authorizing the Mayor to sign an Interagency Agreement between the City of Selah and DES to provide energy conservation project management.
7/8/2014	Resolution authorizing the Mayor to enter into an Agreement with DES for an Audit Agreement.

[Click here to enter a date.](#) [Click here to enter text.](#)

[Click here to enter a date.](#) **TITLE OF ITEM**

[Click here to enter a date.](#) [Click here to enter text.](#)

[Click here to enter a date.](#) [Click here to enter text.](#)

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A FUNDING APPROVAL FOR CONTRACT NO. 2015-006 A (1) BETWEEN THE CITY OF SELAH AND THE STATE OF WASHINGTON DEPARTMENT OF ENTERPRISE SERVICES (DES) FOR THE WWTP AND EXTERIOR LIGHTING ENERGY EFFICIENCY PROJECT.

WHEREAS, The Washington State Department of Enterprise Services (DES), Facilities Division, Engineering and Architectural Services (E&AS), requires funding approval for the above referenced contract document, and

WHEREAS, the amount required is as follows:

Design & Implementation of Energy Conservation Measures	\$340,728.00
First Year Measurement & Verification	\$ 6,079.00
Years 2 and 3 Measurement & Verification	\$ <u>30,769.58</u>
TOTAL	\$388,798.39

, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor is authorized to sign a Funding Approval for Contract No. 2015-006 A (1) between the City of Selah and the Department of Enterprise Services for the WWTP and Exterior Lighting Energy Efficiency Project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 10th day of March, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Bob Noe, City Attorney

RESOLUTION NO. _____



STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES

1500 Jefferson St. SE, Olympia, WA 98501
PO Box 41476, Olympia, WA 98504-1476

February 6, 2015

TO: Joe Henne, City of Selah

FROM: Andrea Faust, Contracts Specialist, (360) 407-9365

RE: Authorization No. 2015-006 A (1)
Amendment No. 1
Project Title WWTP and Exterior Lighting Energy Efficiency Project

Ameresco, Inc.

SUBJECT: Funding Approval

The Department of Enterprise Services, E&AS, requires funding approval for the above referenced contract document(s). The amount required is as follows:

Design & Implementation of Energy Conservation Measures	\$ 340,728.00
First Year Measurement & Verification	\$ 6,079.00
Years 2 and 3 Measurement & Verification	\$ 11,221.81
Sales Tax (8.2%) (includes tax on audit & proposal)	\$ 30,769.58
TOTAL	\$ 388,798.39

In accordance with the provisions of RCW 43.88, the signature affixed below certifies to the Facilities Division, Engineering & Architectural Services that the above identified funds are appropriated, allotted or that funding will be obtained from other sources available to the using client/agency. The using/client agency bears the liability for any issues related to the funding for this project.

By _____ Date _____
Name / Title

Please sign and return this form to E&AS. If you have any questions, please call me.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/10/2015 M – 6

Title: Resolution Authorizing the Mayor to sign a Funding Approval for Contract No. 2015-006 G (1-1) between the City of Selah and the State of Washington Department of Enterprise Services (DES) for the WWTP and Exterior Lighting Energy Efficiency Project.

Thru: Joe Henne, Interim City Administrator

From: Joe Henne, Public Works Director

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: \$1,195,419.61

Funding Source: 415.000.094.594.35.63.03

Staff Recommendation:

Acceptance and approval.

Background / Findings & Facts:

The City has entered into an agreement with DES to provide the necessary personnel and services and otherwise do all things necessary for or incidental to the performance of the work for the City-wide energy conservation project. DES shall be responsible for performing all fiscal and program responsibilities.

Recommended Motion:

Accept and approve resolution for funding approval.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:	Action Taken:
5/13/2014	Resolution authorizing the Mayor to sign an Interagency Agreement between the City of Selah and DES to provide energy conservation project management.
7/8/2014	Resolution authorizing the Mayor to enter into an Agreement with DES for an Audit Agreement.

[Click here to enter a date.](#) [Click here to enter text.](#)

[Click here to enter a date.](#) **TITLE OF ITEM**

[Click here to enter a date.](#) [Click here to enter text.](#)

[Click here to enter a date.](#) [Click here to enter text.](#)

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A FUNDING APPROVAL FOR CONTRACT NO. 2015-006 G (1-1) BETWEEN THE CITY OF SELAH AND THE STATE OF WASHINGTON DEPARTMENT OF ENTERPRISE SERVICES FOR THE WWTP AND EXTERIOR LIGHTING ENERGY EFFICIENCY PROJECT.

WHEREAS, The Washington State Department of Enterprise Services (DES), Facilities Division, Engineering and Architectural Services (E&AS), requires funding approval for the above referenced contract document, and

WHEREAS, the amount required is as follows:

ESCO Contract Amount	\$1,065,935.00
Sales Tax	\$ 73,656.11
Contingency Amount (with Tax)	<u>\$ 55,828.50</u>
TOTAL	\$1,195,419.61

, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor is authorized to sign a Funding Approval for Contract No. 2015-006 G (1-1) between the City of Selah and the Department of Enterprise Services for the WWTP and Exterior Lighting Energy Efficiency Project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 10th day of March, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Bob Noe, City Attorney

RESOLUTION NO. _____



STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES

1500 Jefferson St. SE, Olympia, WA 98501
PO Box 41476, Olympia, WA 98504-1476

February 6, 2015

TO: Joe Henne, City of Selah

FROM: Andrea Faust, Contracts Specialist, (360) 407-9365

RE: Contract No. 2015-006 G (1-1)
WWTP and Exterior Lighting Energy Efficiency Project
Ameresco, Inc.

SUBJECT: Funding Approval

The Department of Enterprise Services, E&AS, requires funding approval for the above referenced contract document. The amount required is as follows:

ESCO Contract Amount	\$ 1,065,935.00
Sales Tax	\$ 73,656.11
Contingency Amount (with Tax)	\$ <u>55,828.50</u>
Total	\$ 1,195,419.61

In accordance with the provisions of RCW 43.88, the signature affixed below certifies to the Facilities Division, Engineering & Architectural Services that the above identified funds are appropriated, allotted or that funding will be obtained from other sources available to the using client/agency. The using/client agency bears the liability for any issues related to the funding for this project.

By _____ Date _____
Name / Title

Please sign and return this form to E&AS. If you have any questions, please call me.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



COUNCIL MEETING ACTION ITEM

3/10/2015 N – 1

Title: Ordinance Creating a New Chapter 4.28 to the Selah Municipal Code entitled “Parades”

Thru: Joe Henne, Interim City Administrator

From: Charlie Brown, Recreation Manager

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: N/A

Funding Source: 001

Staff Recommendation:

I recommend that we approve the Parade Ordinance and Parade Application.

Background / Findings & Facts:

With parades becoming a popular thing to host, I feel that we need a way to track what is happening and who the contact people will be for the parades in Selah. Currently there are three parades that have happen in Selah; Community Days, the Lighted Parade, and last year a 4th of July Parade was added. The Ordinance will give the Mayor and Police Chief the opportunity to review the proposed parade and say yes or no, it outlines the rules that will ensure safety of participants and viewers, and it will allow the PD to ticket violators. Applications have to be handed in at least 45 days in advance of the event which gives the City plenty of time to determine how to man the event and approve the route.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Recommended Motion:

I move to approve the Parade Ordinance and Application.

Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)

Date:

Action Taken:

[Click here to enter a date.](#) [Click here to enter text.](#)

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ORDINANCE NO. _____

**AN ORDINANCE CREATING A NEW CHAPTER 4.28 TO THE SELAH MUNICIPAL CODE ENTITLED
"PARADES".**

WHEREAS, the City of Selah under its general police powers is entitled to ensure that its rights of way, public streets, and alleys are used in an orderly fashion and subject to general and specific provisions designed to ensure and protect the public health, safety and welfare;

WHEREAS, from time to time, individuals or entities may seek to use the City's rights of way, streets, or alleys for purposes of conducting marches, parades, or procession;

WHEREAS, the City of Selah wishes to formalize the process by which persons or entities can seek permission to use City rights of way (public streets and alleys) for marches, parades or processions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DOES ORDAIN as follows:

Section 1. New Selah Municipal Code Chapter 4.28 "Parades".

A new Selah Municipal Code Chapter 4.28 is hereby created entitled "Parades" as follows:

4.28.010 Definitions:

(a) Parade - Any organized gathering, march or procession consisting of more than five (5) people, animals or vehicles or a combination thereof, upon any rights of way, public streets or alleys.

(b) Parade Application – application form created by the City of Selah which must be completed, filed and approved by the City of Selah prior to any individual, group, or entity conducting a parade within the City.

4.28.020 Requirements:

All individuals, groups, or entities, ("Applicant"), that propose to conduct a parade upon any city rights of way, public streets or alleys within the city limits of the City of Selah must comply with the following procedures:

1. The "Parade Application", all fees and insurance must be submitted to the City Administrator, City of Selah, 115 W Naches Ave., Selah, WA 98942, 509-698-7333 no less than forty-five (45) calendar days or more than sixty (60) calendar days prior to the event date.
2. The City of Selah, Selah Chamber of Commerce and Selah School District sponsored events are exempt from the fees provided for under this Chapter, but are not exempt from the application and permit process.

3. The City Administrator and Selah Police Chief will review and approve or deny all parade applications.
4. For closure of a State right-of-way within the City limits for less than two (2) hours, a "Right-of-Way Use Agreement" with the Washington Department of Transportation must be approved.
5. Candy, gum, beads, paper or any other article(s) shall not be thrown from any type of vehicle during a parade nor directly transferred to the hand of spectators from a vehicle. This shall include, but is not limited to, persons on horseback. Candy, gum, beads, paper or any other article(s) may be distributed by walking members of the parade and must be done off of the parade route itself.
6. The conduct of the parade shall not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
7. The concentration of persons, animals and vehicles at the assemble points of the parade will not unduly interfere with the proper fire and police protection or, ambulance service to areas contiguous to the assembly areas.
8. The parade must be scheduled to move from its point of origin to its point of termination in a timely manner without unreasonable delays.
9. The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

4.28.030 Exceptions

No parade permit shall be required for the following:

- a. The armed forces of the United States of America, the military forces of the state and the forces of police and fire departments acting within the scope of their duties.
- b. Funeral processions proceeding by vehicle by the most reasonable route from the funeral home, church or residence of a deceased to the place of service or place of interment.
- c. Sidewalk processions which observe and comply with traffic regulations and traffic control devices, utilizing that portion of a sidewalk nearest the street, but at no time more than on half of the sidewalk.

4.28.040 Notice of Rejection:

The City Administrator and Chief of Police shall act upon the application for a parade permit within seven (7) business days after the filing thereof. If the City Administrator or Chief of Police disapproves the application, he or she shall mail a notice of such disapproval to the applicant stating the reasons for denial.

4.28.050 Appeal Procedure:

Any person aggrieved by a denial of a parade permit shall have the right to appeal the denial of a parade permit to the City Council. The appeal shall be taken within five (5) days after the notice of denial. The City Council shall act upon the appeal within a reasonable time after receiving a timely appeal notice of appeal.

4.28.060 Penalty:

(a) Failure to comply with this Chapter and its provisions shall be punishable by fine of no more than \$250 processed as an infraction through the City of Selah's Municipal Court under the provisions of RCW 7.80.

(b) Penalty Cumulative: The penalty provided herein is cumulative and is in addition to any other penalties that may be applicable at equity or at law, including criminal penalties where appropriate.

4.28.070 Severability - Savings clause.

If any provision of this Chapter is declared invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ORDAINED this 10th day of March, 2015.

John Gawlik, Mayor

ATTEST:

Dale Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Robert F. Noe, City Attorney

ORDINANCE NO. _____



City of Selah PARADE APPLICATION

Parade Organizer _____ Contact Phone _____
Mailing Address _____ Contact Email _____

Reason for Parade _____

Parade Specifics:

Parade Date _____ Number of Entries Estimated _____
Parade Start Time _____ Parade End Time _____
Number of Vehicles _____ Number of Walkers _____
Other (horses, motorcycles, etc.) _____ Will candy be handed out _____
Do you need streets closed? _____ If yes, what streets _____

Please attach the proposed route with the parade application.

Do you have event insurance? _____ Please provide a copy with the application.
If no, all entries must provide their own liability insurance. It is the responsibility of the organizer to collect this information and submit it to the City of Selah.

Hold Harmless: Organizer agrees to indemnify and hold harmless the City of Selah, County of Yakima and Selah Civic Center, their officers, employees and agents, against any and all claims, demands, causes of action, costs and liabilities, in law or equity, of every kind an nature whatsoever, directly or indirectly resulting from or caused by the use an occupation of the facilities hereinabove described, whether such use is authorized or not, or from any act or omission of Licensee, or any of its officers, agents, employees, guests, patrons or invitees; and the Organizer shall, at its sole risk and expense, defend any and all suits, actions or other legal proceedings which may be brought or instituted against the City of Selah, County of Yakima, Selah Civic Center, their officers, employees and agents, any such claim, demand or cause action and the Licensee shall pay and satisfy any judgment or decree which may be rendered against the City of Selah, County of Yakima, Selah Civic Center, their officers, employees and agents, any such suit, action or other legal proceedings; and Licensee shall pay for any and all damages to the property of the Selah Civic Center, for loss or damages to the property, done or caused by Licensee, its officers, agents, employee's, guests and patrons.

Signature _____ Date Signed _____

The City of Selah reserves the right to turn down the parade application. All applications must be turned in at least 60 days prior to the event. Applications get turned into the Selah Police Department. Applications will be reviewed by the Police Department and the Mayor before being approved.

OFFICIAL USE ONLY:

Date Received: _____ Received By: _____ Approved: Yes / No Approved on Date _____