



# SELAH CITY COUNCIL

4:00pm September 10, 2019



Selah City Council  
Regular Meeting  
Tuesday, Sept. 10, 2019  
4:00pm  
City Council Chambers

Mayor:  
Mayor Pro Tem:  
Council Members:

Sherry Raymond  
John Tierney  
Roger Bell  
Russell Carlson  
Diane Underwood  
Jacquie Matson  
Kevin Wickenhagen  
Jeremy Burke

CITY OF SELAH  
115 West Naches Avenue  
Selah, Washington 98942

City Administrator:  
City Attorney:  
Clerk/Treasurer:

Donald Wayman  
Dale Novobielski

## AGENDA

- A. Call to Order –Mayor Raymond
- B. Roll Call
- C. Councilmember Absence – Motion to Excuse
- D. Pledge of Allegiance
- E. Invocation
- F. Agenda Changes
  - 1. R -1: Executive Session has been relocated to immediately precede N – 1: Resolutions
- G. Public Appearances/Introductions/Presentations **None**
- H. Getting To Know Our Businesses **None**
- I. 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. Each person wishing to speak shall have two minutes to address the Mayor and Council.

Persons wishing to speak are required to comply with the City's Rules of Decorum and shall maintain appropriate civility. Comments that are impertinent, degrading, slanderous, or impugn the integrity of any member of the Council, employee of the city, or any member of the public shall not be permitted.

### 2. Written

- Erin Barnett a. Code Enforcement Report for August 2019
- Brandy Tucker b. Permits for August 2019

- J. Proclamations/Announcements **None**
- K. 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: August 27, 2019 Council Meeting & August 28, 2019 Council Retreat

Dale N. \* 2. Approval of Claims & Payroll

L. Public Hearings **None**

M. General Business  
1. New Business **None**  
2. Old Business **None**

R. Executive Session **\*\*RELOCATED\*\***

1. 20 Minute Session –Qualifications for Public Employment RCW 42.30.110 (1)(g)

N. Resolutions

Donald Wayman 1. Resolution authorizing the Mayor to sign a Contract for Legal Services with D. R. (Rob) Case (WSBA #34313)

Joe Henne 2. Resolution authorizing the Mayor to sign Task Order 2019-08 Addendum No.1 between the City of Selah and HLA Engineering and Land Surveying, Inc. to provide Engineering services for the Naches Avenue and N. 1st Street Sidewalk Improvements Project

Joe Henne 3. Resolution Authorizing the Mayor to sign an Interagency Agreement Amendment No. 2 between the State of Washington Department of Enterprise Services (DES) and the City of Selah

Joe Henne 4. Resolution Authorizing the Mayor to Sign a Contract between Schneider Water Services of St Paul, Oregon and the City of Selah for the Evaluation and Redevelopment of Well 7

O. Ordinances **None**

P. Public Appearances **None**

Q. Reports/Announcements

- 1. Departments
- 2. Council Members
- 3. City Administrator
- 4. Boards **None**
- 5. Mayor

R. Executive Session **\*\*RELOCATED TO EARLIER IN THE AGENDA\*\***

S. Adjournment

**\*\*Next Regular Meeting: September 24, 2019**

<p>Each item on the Council Agenda is covered by an Agenda Item Sheet (AIS)</p> <p style="background-color: yellow;">A yellow AIS indicates an action item.</p> <p style="background-color: lightblue;">A blue AIS indicates an information/non-action item.</p>
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**CITY OF SELAH**  
**CITY COUNCIL**  
**AGENDA ITEM SUMMARY**



Council Meeting      Informational Item  
9/10/2019              I – 2a

**Title:** Code Enforcement Report for August 2019

**From:** Erin Barnett, Code Enforcement Officer

**Action Requested:** Informational - No action needed

**Staff Recommendation:**

N/A

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Background / Findings & Facts:** See attached

Code Enforcement Report August 2019

Subject Property	Date	Expiration	Communication	Code Violation	Result	Notes
300 BLK S. 4th St	8/1/2019	8/8/2019	Letter-Standard	Attractive Nuisance		
300 BLK W. Selah Ave	8/1/2019	8/9/2019	Letter-Standard	Landscape Maintenance		
600 BLK N. 14th St	8/1/2019	8/9/2019	Letter-Standard	Abandoned Material		
600 BLK N. 14th St	8/1/2019	8/9/2019	Letter-Standard	Abandoned Material		
500 BLK N. 15th St	8/6/2019	8/12/2019	Letter-Standard	Certain Growth		
400 BLK S. 3rd St	8/13/2019		Letter-Standard	Dumpster Enclosure		
100 BLK E. Orchard Ave	8/14/2019	8/28/2019	Letter-Standard	Landscape Maintenance		
100 BLK E. 3rd St	8/14/2019	8/28/2019	Letter-Standard	Debris in the alley		
100 BLK E. Fremont Ave	8/16/2019	8/30/2019	Letter-Standard	6.58.090 Dumping Area		
400 BLK S. 5th Ave	8/7/2019		Letter, 5/9/19	Certain Growth	Citation	
300 BLK S. 3rd St	8/16/2019	8/30/2019	Letter-Standard	Certain Growth		
100 BLK E. Bartlett Ave	8/20/2019	9/3/2019	Letter-Standard	Dumping Area		
100 BLK E. Bartlett Ave	8/20/2019	9/3/2019	Letter-Standard	Dumping Area		
400 BLK N. 10th St	8/20/2019	9/3/2019	Letter-Standard	Abandoned Material		
400 BLK N. 10th St	8/20/2019	9/3/2019	Letter-Standard	Abandoned Material		
500 BLK N. 12th St	8/20/2019	9/3/2019	Letter-Standard	Landscape Maintenance		

100 BLK Wernex Lp	8/20/2019	9/3/2019	Letter-Standard	Certain Growth		
100 BLK Wernex Lp	8/20/2019	9/3/2019	Email	Certain Growth-Vacant Lot		
1200 BLK W. Cherry Ave	8/21/2019	9/5/2019	Letter-Certified	Certain Growth		
1200 BLK W. Pear Ave	8/23/2019	9/6/2019	Letter-Standard	Certain Growth		
700 BLK Daugherty Pl	8/26/2019	9/6/2019	Letter-Certified	Certain Growth		
1400 BLK W. Naches Ave	8/28/2019	9/12/2019	Letter-Standard	Certain Growth		
500 BLK S. 3rd St	8/28/2019		Email	Sign in right of way		
Apple Way-vacant lot	8/28/2019		none	none	Bruce F. contacted D. Paulson and the water was turned off.	resident noticed wet soil on vacant lot, result, a sprinkler leak
500 BLK Kristine Pl	8/27/2019		verbal	none-civil issue		a neighbor's sprinkler broke & the property owner questioned a stormwater violation. I informed them that it was not and a civil issue between neighbors if damage occurred
100 BLK W. Riverview Ave	8/28/2019		Email	Dumpster Enclosure		Follow up with office manager
500 BLK S. 3rd St	8/28/2019	9/12/2019	Letter-Standard	Debris, landscape		
100 BLK N. 12th St	8/29/2019	9/11/2012	Letter-Standard	Growth in the right of way		
100 BLK E. Home Ave	8/29/2019	9/11/2019	Letter-Standard	Debris, landscape		
200 BLK Anchor Lp	8/30/2019	9/12/2019	Letter-Standard/Certified	Landscape Maintenance		
500 BLK N. 11th St	8/30/2019	9/6/2016	verbal	RV parked in right of way		





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



Council Meeting

Informational Item

9/10/2019

I – 2b

**Title:** Permits for August 2019

**From:** Brandy Tucker – Planning & Community Development, Building Specialist

**Action Requested:** Informational - No action needed

**Staff Recommendation:**

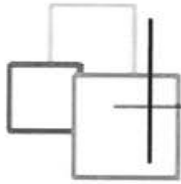
N/A

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Background / Findings & Facts:** N/A



# Permit Type Activity

Permit List: All Permits  
 Permit Year: 2019  
 Created Dates: 8/1/2019 thru 10/1/2019  
 Modified Dates: All Time thru All Time  
 Permit Type Status: All

Permit Number	Create Date	Applicant	Applicant Type	Property	Status	Parcel ID
<b>100-Building Permit - New</b>						
<a href="#">NBP-2019-034</a>	8/5/2019	Columbia Ridge Homes LLC	Contractor	1541 W Goodlander	Issued	18142741427
<a href="#">NBP-2019-035</a>	8/15/2019	Columbia Ridge Homes LLC	Contractor	1557 W Goodlander Road	New	18142741421
<a href="#">NBP-2019-036</a>	8/15/2019	Columbia Ridge Homes LLC	Contractor	1555 W Goodlander Road	Issued	18142741422
<a href="#">NBP-2019-037</a>	8/20/2019	Leading Force Development, LLC	Owner	800 Selah Vista Way	New	18143521482
<a href="#">NBP-2019-038</a>	8/20/2019	Leading Force Development, LLC	Contractor	802 Selah Vista Way	New	18143521481
<a href="#">NBP-2019-039</a>	8/20/2019	Leading Force Development, LLC	Contractor	901 Verde Lane	New	18143521477
<a href="#">NBP-2019-040</a>	8/23/2019	Columbia Ridge Homes LLC	Contractor	1576 Valhalla Lp.	New	181427-44407
<a href="#">NBP-2019-041</a>	8/23/2019	Columbia Ridge Homes LLC	Contractor	1551 W Goodlander Road	New	18142741428
					<b>Count:</b>	<b>8</b>
<b>102-Remodel/Addition</b>						
<a href="#">R-R/A-2019-016</a>	8/1/2019	Muirhead, Kathren	Owner	509 W Orchard Ave	Issued	
<a href="#">R-R/A-2019-017</a>	8/2/2019	509 ART Construction	Contractor	1100 Selah Loop Road	Issued	18142644457
<a href="#">R-R/A-2019-018</a>	8/2/2019	Rockwell Bilt	Contractor	709 Sage Ave	Issued	181435-13448
<a href="#">R-R/A-2019-019</a>	8/7/2019	Helms, Troy	Owner	6 N 3rd	Issued	18143541442
<a href="#">R-R/A-2019-020</a>	8/16/2019	Ruark Rentals	Contractor	802 Speyers Road	Issued	181435-13455
<a href="#">R-R/A-2019-021</a>	8/22/2019	Williams, Amber	Owner	1301 N. 13th St.	New	181426-33431
					<b>Count:</b>	<b>6</b>
<b>104-New Commercial</b>						
<a href="#">NC -2019-015</a>	8/30/2019	Kitt Construction & Development LLC	Contractor	202 W. Naches Ave.	Issued	181435-44459
<a href="#">NC-2019-012</a>	8/2/2019	Torkelson Construction	Contractor	103 C/D W Fremont	Issued	181435-41524
<a href="#">NC-2019-014</a>	8/7/2019	Black Rock Properties dba Black Rock Center		117 E Naches Ave	Issued	18143532404
					<b>Count:</b>	<b>3</b>
<b>107-Re-Roof Residential</b>						
<a href="#">RR-R-2019-023</a>	8/7/2019	Spencer Roofing		700 W. Pear Ave	Issued	181435-13420
<a href="#">RR-R-2019-024</a>	8/12/2019	Gamache Construction	Contractor	8 N 3rd Street	Issued	181435-41443
<a href="#">RR-R-2019-025</a>	8/14/2019	Lacy Roofing, Inc		9 N 13th Street	Issued	181435-32405
<a href="#">RR-R-2019-026</a>	8/20/2019	Lacy Roofing, Inc	Contractor	903 W Pear Ave	Issued	181435-24436
					<b>Count:</b>	<b>4</b>
<b>109-Demolition &amp; Removal</b>						
<a href="#">D&amp;R-2019-009</a>	8/13/2019	Vernon Forenpohar/SNS Extg Inc.		106 Valleyview	Issued	181302-11456



Permit Number	Create Date	Applicant	Applicant Type	Property	Status	Parcel ID
<u>D&amp;R-2019-010</u>	8/22/2019	Torkelson Construction	Contractor	207 E Goodlander	Issued	18142533435
					<b>Count:</b>	<b>2</b>
<b>110-Re-Siding</b>						
<u>RS-2019-006</u>	8/12/2019	Gamache Construction	Contractor	8 N 3rd Street	Issued	181435-41443
					<b>Count:</b>	<b>1</b>
<b>200-Plumbing Permit - New</b>						
<u>PL-RES-2019-035</u>	8/5/2019	Columbia Ridge Homes LLC	Contractor	1541 W Goodlander	Issued	18142741427
<u>PL-RES-2019-036</u>	8/8/2019	Baron Homes	Contractor	1106 Mayer Court	Issued	18143534532
<u>PL-RES-2019-037</u>	8/16/2019	Bob's Plumbing	Contractor	1100 Selah Loop Road	Issued	18142644457
<u>PL-RES-2019-039</u>	8/22/2019	Columbia Ridge Homes LLC	Owner	1555 W Goodlander Road	Issued	18142741422
					<b>Count:</b>	<b>4</b>
<b>206-Fire Sprinkler System</b>						
<u>FIRE SYS-2019-004</u>	8/5/2019	Johnson Controls Security Solution	Contractor	Lince Kindergarten (New)	Issued	
<u>FIRE SYS-2019-005</u>	8/7/2019	Superior Low Voltage	Contractor	800 N Park Center	Issued	18143521442
<u>FIRE SYS-2019-006</u>	8/23/2019	Blue Mountain Fire Protection Inc	Contractor	Lince Kindergarten (New)	New	
					<b>Count:</b>	<b>3</b>
<b>300-Mechanical Permit-New</b>						
<u>M-RES-2019-038</u>	8/5/2019	Columbia Ridge Homes LLC	Contractor	1541 W Goodlander	Issued	18142741427
<u>M-RES-2019-039</u>	8/8/2019	Baron Homes	Contractor	1106 Mayer Court	Issued	18143534532
<u>M-RES-2019-040</u>	8/22/2019	Columbia Ridge Homes LLC	Owner	1555 W Goodlander Road	Issued	18142741422
					<b>Count:</b>	<b>3</b>
<b>301-Furnace/Air Conditioning</b>						
<u>F/AC-2019-015</u>	8/22/2019	CP Mechanical	Contractor	313 S 1st Street	Issued	181301-22406
<u>F/AC-2019-016</u>	9/3/2019	M Campbell & Company Inc.	Contractor	503 Hillcrest Dr	Issued	181302-13401
					<b>Count:</b>	<b>2</b>
<b>304-Mech Commercial</b>						
<u>M-COM-2019-012</u>	8/27/2019	CP Mechanical		313 S 1st Street	Issued	181301-22406
					<b>Count:</b>	<b>1</b>
<b>500- Carwash</b>						
<u>CWP-2019-003</u>	8/16/2019	Dance Explosion			Issued	
					<b>Count:</b>	<b>1</b>

Permit Number	Create Date	Applicant	Applicant Type	Property	Status	Parcel ID
<b>600-Additional Inspection Fee</b>						
<u>AIF-2019-004</u>	8/23/2019	Chacon, Craig		209 Palmer Dr	Issued	18143511442
					<b>Count:</b>	<b>1</b>
<b>800-Invoicing</b>						
<u>INV-2019-001</u>	8/13/2019	OA/BK Selah LLC		1 Jim Clemens Way	New	
<u>INV-2019-002</u>	8/14/2019				New	
<u>INV-2019-003</u>	8/15/2019	Hahn, Steve			New	
<u>INV-2019-004</u>	8/15/2019	OA/BK Selah LLC	Owner	1 Jim Clemens Way	New	
<u>INV-2019-005</u>	8/15/2019	Leading Force Development, LLC			New	
<u>INV-2019-006</u>	8/15/2019	Selah School District #119		Lince Kindergarten (New)	New	
<u>INV-2019-007</u>	8/26/2019	Selah Parks and Recreational Service Area	Owner	Selah Aquatic Pool 214 S. 3rd St.	New	181435-44432
<u>INV-2019-008</u>	8/27/2019	Selah School District #119	Owner	Lince Kindergarten (New)	New	
<u>INV-2019-009</u>	8/27/2019	Torkelson Construction	Contractor		Issued	
					<b>Count:</b>	<b>9</b>
<b>928- Class 3 Review</b>						
<u>CL3-2019-001</u>	8/9/2019	LandLease Tower III, LLC/The Meridian Group	Contractor	229 E Naches	New	18143532057
					<b>Count:</b>	<b>1</b>
<b>971- SEPA</b>						
<u>SEPA-2019-008</u>	8/9/2019	LandLease Tower III, LLC/The Meridian Group	Designer	229 E Naches	New	18143532057
					<b>Count:</b>	<b>1</b>
					<b>Total Count:</b>	<b>50</b>
					<b>Total Inspections:</b>	<b>135</b>



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



Council Meeting      Action Item  
9/10/2019              K – 1

**Title:** Approval of Minutes: August 27, 2019 Council Meeting and August 28, 2019 Council Retreat

**From:** Monica Lake, Executive Assistant

**Action Requested:** Approval

**Staff Recommendation:**

Approval of Minutes

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**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)



City of Selah  
Council Minutes  
August 27, 2019

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

- A. Call to Order Mayor Raymond called the meeting to order at 5:30pm.
- B. Roll Call
- Members Present: Kevin Wickenhagen; Jacquie Matson; Jeremy Burke; John Tierney; Roger Bell; Diane Underwood; Russell Carlson
- Members Absent:
- Staff Present: Donald Wayman, City Administrator; Dale Novobielski, Clerk/Treasurer; Rick Hayes, Police Chief; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse **None**

D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

E. Invocation

Pastor Darin Brown gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/Presentations

1. Presentation to Robert Noe for his years of service

Mayor Raymond presented City Attorney Noe with an engraved marble apple for his years of service to the City of Selah, saying that while for her it's only been four years he will truly be missed. She said that it would be hard to replace him, although they were going to do their best to find a good replacement.

City Attorney Noe remarked that he was thinking about his sixteen year tenure with the City, and that during his time here there have been three different Mayors, three different City Administrators, three different police chiefs, one Clerk/Treasurer, one Public Works Director, and many changes in the Council, aside from Council Member Tierney having been on Council for twelve year. He said that he considered them to be friends as well as colleagues, along with some members of the audience, and that it has been a real honor to work for the City.

Mayor Raymond wished him the best of luck.

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

I. Communications

1. Oral

Mayor Raymond opened the meeting. Seeing no one rise to speak, she then closed the meeting.

2. Written **None**

J. Proclamations/Announcements **None**

K. Consent Agenda

**Council Member Bell moved, and Council Member Tierney seconded, to added N – 3, O – 1, O – 2, and O – 3 to the Consent Agenda. By voice vote, approval was unanimous.**

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: August 13, 2019 Council Meeting

\* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 82983 – 82998 for a total of \$206,680.08

Claim Checks Nos. 73497 – 73513 for a total of \$ 224.52

Claim Checks Nos. 73514 – 73577 for a total of \$161,196.77

\* 3. Resolution N – 3: Resolution authorizing the Public Works Director to sign a Water Resources Drought Response agreement with the Washington Department of Ecology for \$108,500.00 in grant funds for the City’s Well No. 7 Capacity Evaluation and Redevelopment

\* 4. Ordinance O – 1: Ordinance Amending the 2019 Budget for Naches Avenue & North 1st Street Sidewalk Improvements

\* 5. Ordinance O – 2: Ordinance Amending the 2019 Budget for Civic Center Park and Ride Improvements

\* 6. Ordinance O – 3: Ordinance Amending the 2019 Budget for Goodlander Booster Station Repairs

**Council Member Burke moved, and Council Member Wickenhagen seconded, approval of the amended Consent Agenda as read. By voice vote, approval was unanimous.**

L. Public Hearings

1. Public Hearing to consider the adoption of the “Selah Transit Development Plan” for the six-year plan 2020-2025

Public Works Director Henne addressed L – 1. He said that every year Transit has a responsibility to prepare, and Council to adopt, a Six Year Transportation Plan which describe the transit system and talks about finances, among other items. He requested that they open a hearing for the public to ask questions.

Mayor Raymond opened the Public Hearing. Seeing no one rise to speak, she closed the Public Hearing.

M. General Business

1. New Business **None**
2. Old Business **None**

N. Resolutions

1. Resolution authorizing the adoption of the “Selah Transit Development Plan” for the six-year plan 2020-2025

Public Works Director Henne addressed N – 1. He requested that Council approve a Resolution to adopt the City transit plan, which was emailed to them a week prior. He briefly reviewed the components of the plan and asked for approval and adoption.

Council Member Carlson commented that when the idea was pitched to Council it was with potential additions with direct routes to places like Yakima Valley College, Walmart, and Fred Meyer, and asked where they were with that and what changes they could expect to see.

City Administrator Wayman answered that Ms. Dunbar periodically arranges trips on demand, usually emanating out of retirement or rest homes, adding that they’ve done five thus far this year. He noted that they are organized on demand as self-financing trips that don’t cost the City additional money, but with the closure of the facility next door demand for them has decreased.

Council Member Carlson remarked that his assumption was that they were to be scheduled trips that riders could plan for, a shopping trip one day a week.

Public Works Director Henne responded that the bus route currently stops by Fred Meyer and on Sixteenth Avenue by the movie theater, and another shuttle runs down to Sears, Costco and WinCo.



Council Member Carlson expressed concern over Medstar's logo being displayed on the Selah Transit buses, given that when Selah Transit was created Council determined that there not be advertisement on buses to avoid misconstrued support for businesses.

Public Works Director Henne replied that he would have to look, adding that he knew that their logo was on the Dial-A-Ride but not regular buses.

Council Member Carlson commented that they had been on the Dial-A-Ride buses from the beginning.

City Administrator Wayman said that they could look into it.

Council Member Carlson stated that it was something they had determined wasn't in the best interests of the City, and that they should take a look at what he views as advertisement.

Council Member Bell observed that they had discussed different possibilities before, but felt that the real problem was which comes first, rider demand or the cost associated with providing the service. He felt that to add additional services for multiple people suggests that they shouldn't modify routes from the current ones.

Council Member Carlson agreed, suggesting that maybe they need to communicate to the community that opportunity is available if a large number of residents want that special route.

City Administrator Wayman responded that it was available if group wished to charter a bus to go to a specific location.

Council Member Wickenhagen asked if there was any additional follow-up on routes and usage by time and route, as he found a lot of data missing from what had been provided. He noted that they were running approximately seventeen different buses in a day with no indication of riders in each time slot.

City Administrator Wayman replied that they receive that data from Medstar every month, including a list of people who use the Dial-A-Ride each month to get an idea of the demand from the community.

Public Works Director Henne added that they could provide a copy upon request.

Council Member Wickenhagen commented that he just didn't see that provided in the report.

City Administrator Wayman stated that he has that data if it's requested.

Council Member Tierney wondered if it would be appropriate to revisit advertising on the buses if they could develop some revenue from that for advertising only for Selah businesses.

Public Works Director Henne responded that he could look into that, suggesting placards on the side that could be changed out versus a wrap that would cover the City's transit logo.

Council Member Tierney opined that it would depend on how they did the wrap.

City Administrator Wayman remarked that it was a consideration when they started the process, and was possible if Council wants it, although they opted not to go that route before to avoid the potential of showing favoritism.

Council Member Tierney observed that they wouldn't want to advertise Yakima businesses, just Selah.

Council Member Carlson pointed out that they couldn't limit that.

City Administrator Wayman agreed that it would be a problematic approach.

Council Member Burke suggested allowing Medstar to sell advertising, but contract with them to only sell to Selah businesses.

City Attorney Noe commented that was similar to their discussion regarding a sign with paid advertisers, saying that they could look at it and come back with recommendations on how to handle it, but there would still be problems with it being a City Contract and City funds.

Public Works Director Henne said that he would do some research and bring something back to them.

**Council Member Carlson moved, and Council Member Bell seconded, to approve the Resolution authorizing the adoption of the “Selah Transit Development Plan” for the six-year plan 2020-2025. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

2. Resolution authorizing the Mayor to sign Task Order 2019-09 between the City of Selah and HLA Engineering and Land Surveying, Inc. to provide Professional Engineering and Construction Services for the Well 6 and Zone 3 Booster Pump Station Rebuild Project

Public Works Director Henne addressed N – 2. He said that task order outlines the scope of work to be done for the fire damaged Well 6 building, which operates the Zone 3 pump station, for the amount of fifty-four thousand dollars. He went on to say that they would likely need to replace seventy percent of the trusses, remove the tin roof, and replace the sheetrock in the ceiling, along with whatever wiring damage there is. He noted that the telemetry and pump controls in the floor were still good.

Council Member Wickenhagen inquired as to the square footage of the building.

Public Works Director Henne responded that it's approximately twenty-six hundred square feet, and that the walls were fine, it was the ceiling and trusses that were damaged.

**Council Member Tierney moved to approve the Resolution authorizing the Mayor to sign Task Order 2019-09 between the City of Selah and HLA Engineering and Land Surveying, Inc. to provide Professional Engineering and Construction Services for the Well 6 and Zone 3 Booster Pump Station Rebuild Project.**

Council Member Carlson asked if this was on Fremont.

Public Works Director Henne replied that it was located at 5<sup>th</sup> Street and Speyers.

Council Member Carlson wondered about insurance for the structure.

City Administrator Wayman answered that they were doing an insurance claim.

Council Member Carlson questioned the need to pay fifty-four thousand dollars for HLA to look over the job.

Public Works Director Henne explained that he had two contractors look over the job to give costs and recommendations for repairs, but with the vast difference between quotes they felt it would better to have a set of plans and specifications to go out to ad, which would give them comparable bids.

Council Member Matson inquired if it would be covered by insurance claim.

Public Works Director Henne replied that he has talked with Jamie Morford and Steve Whetstone, and they told him to go ahead and move on it. The only question was whether it would be as expensive as the other one.

**Council Member Matson seconded the motion. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – no. Motion passed with six yes votes and one no vote.**

- \* 3. Resolution authorizing the Public Works Director to sign a Water Resources Drought Response agreement with the Washington Department of Ecology for \$108,500.00 in grant funds for the City's Well No. 7 Capacity Evaluation and Redevelopment

O. Ordinances

- \* 1. Ordinance Amending the 2019 Budget for Naches Avenue & North 1st Street Sidewalk Improvements
- \* 2. Ordinance Amending the 2019 Budget for Civic Center Park and Ride Improvements
- \* 3. Ordinance Amending the 2019 Budget for Goodlander Booster Station Repairs

P. Public Appearances **None**

Q. Reports/Announcements

- 1. Departments

Police Chief Hayes had no report.



City Administrator Wayman said that the Mayor asked him to get quotes for surveillance cameras at key points around the City, and that they had a company who had been at the AWC conference come and provide an estimate of cost for their services for a list of locations including parks and public buildings. He went on to say that the cameras they proposed are very good, would interact with cell phones as well as computers that could monitor from both City Hall and the Police Station, and that although the total cost was well in excess of seventy thousand dollars, that was the amount they would be looking at to get some sort of surveillance capacity in the City. He added that the Police Chief has been dealing with petty crime as some locations, ranging from graffiti and smash and grab to vandalism, and that they could have a more in depth discussion at the retreat.

Police Chief Hayes remarked that when he and Council Member Tierney went to Othello several years ago they found that they have cameras in every City owned property and a large TV screen with their own dispatch where they could view any city property live at any time, even to providing live feed to officers going to whatever property it would be. He thought that it could be something they could put at WSO dispatch to allow them to provide the same service to Selah officers.

Council Member Carlson wondered if there was a lot of concern about the Public Works facility.

City Administrator Wayman responded that the only reason he added that was because they have high dollar value equipment there, and it's not a twenty-four hour post.

Police Chief Hayes added that they don't get a lot of hits at Public Works; the last time was when someone cut into the old facility and took some meters.

Council Member Burke asked if the park locations listed have a higher correlation to petty crime, or if there were other areas these would be more useful.

Police Chief Hayes replied that they control the City parks.

Council Member Burke felt that intersections would also be a high area for camera placement.

City Administrator Wayman noted that they could place them on any apparatus in City rights of way.

Council Member Burke asked if there were there other areas in addition to parks that were a concern.

City Administrator Wayman commented that there would be requirements for hooking up to electricity.

Police Chief Hayes answered that he couldn't think of any other areas where they would need that, adding that WSDOT has cameras on some traffic lights. He noted that most petty crimes on City property were in the parks, with officers there one to two times a week in some parks.

City Administrator Wayman remarked that what impressed him was the potential for a kidnapping or a major crime and the ability to resolve it quickly that increases if they have cameras on site, as they have so many people in and out of the parks.

Council Member Burke agreed that it makes sense, he was just wondering if there were additional places they had in mind.

Police Chief Hayes responded that he would like to see them on every City property they have, and if they use the same system I saw it could be added to.

City Administrator Wayman commented that if an police officer has the app on a City-issued phone he could pull up the feed to see the situation before they arrive, as the cameras have low light capacity.

Police Chief Hayes added that they might be able to see on the laptops in patrol cars as well, and could have access while driving around.

Council Member Carlson wondered about blowback from privacy concerns.

Police Chief Hayes replied that there would always be the big brother thing, but they have the same right to videotape all public areas as he could do with a cell phone. He added that it would be up to the City to determine how long they want to save video recordings, and his only concern with those would be dealing with public disclosure.

City Administrator Wayman observed that other cities use this exact same system, which was a digital system with a storage capacity.

Council Member Burke asked where that would be stored.

City Administrator Wayman said that he didn't have an answer at that point.

Police Chief Hayes commented that they do most of their tech through Yakima City, and they may have to be involved unless they do a server room.

City Administrator Wayman added that there would be more details in the future.

Council Member Wickenhagen wondered if it was something that has to go out to bid.

City Administrator Wayman answered that it would.

Police Chief Hayes noted that most of the training he goes to has vendors for that product, some cloud-based, that meet the justice system requirements.

City Administrator Wayman remarked that they would want a cloud-based system.

Council Member Tierney observed that, based on his personal experience in the retail area, the biggest caution was getting cameras fixed as quickly as possible when one went down.

Police Chief Hayes agreed. He commented that they had over seven hundred in attendance for National Night Out, including several Council Members.

Fire Chief Hanna had no report, but said that the burning underway was a prescribed burn, nor a wildfire.

Council Member Carlson asked if it was a planned burn.

Fire Chief Hanna replied in the affirmative, saying that it was originally scheduled for spring but it was too wet for them to do it at that time.

Community Development Supervisor Peters had no report but mentioned that he had several items to discuss at the Retreat Wednesday.

Public Works Director Henne said that he also had several topics for tomorrow. He spoke briefly about the construction projects at Lince Elementary and East Goodlander Road, saying that they were keeping people busy with projects.

Council Member Matson asked when the sidewalks on Third Street would be done.

Public Works Director Henne replied that he didn't know the exact date but they had told him they would be opening the sidewalk back up soon.

Council Member Matson commented that her concern was the kids trying to walk around cars.

Public Works Director Henne responded that he had a discussion with them last Friday about not putting up construction signs blocking the road, and that he authorized the contractor to close sections of the road down to reduce traffic. He noted that it could be pretty tough to get pedestrians to comply.

Council Member Tierney felt that the contractor needs to do is a better job of dust abating at the school, as it's a problem when the wind blows on weekends.

Public Works Director Henne replied that he would talk with Erin, and that he'd had a discussion with the contractor already about them dragging dust and mud onto the road.

Council Member Carlson remarked that he had spoken with Public Works Utility Supervisor Jones a month ago regarding water leakage from the rocks by the high school exit, and that it was leaking again.

Public Works Director Henne answered that it was going in through a culvert on the west entrance of Torkelson's complex, which would be ripped out. He went to say that Granite Construction would have a hard closure from north First Street to just west of Lancaster on Goodlander for thirty days to get the curb, gutter and sidewalks in along with the first lift of asphalt, and that the school district was aware that this would be happening. He added that they would build a temporary entrance to Carlon Park and the school parking lot, then close the street just west of Lancaster to the coffee shop entrance for thirty days for the same thing.

Council Member Tierney asked if he'd had any discussions with DOT about moving the forty-five mph sign south of Southern Avenue.

Public Works Director Henne replied that they aren't interested.

Council Member Tierney suggested that they put a temporary radar sign there somewhere.

Public Works Director Henne didn't recall who has one.

Police Chief Hayes remarked that the County does and he could request it.

Public Works Director Henne thought that recording days, times and speeds might have more of an impact on WSDOT.

Council Member Tierney suggested letting let them try to walk across the street.

Council Member Carlson wondered if there would be a retaining wall stopping dirt from entering the street for the new development going up on Crusher Canyon Road.

Public Works Director Henne replied that there is supposed to be one, and that they have a maintenance bond to get it done. He added that he had taken Mike Battle from HLA up to look at it but hadn't heard back yet from him since then on the matter.

Community Development Supervisor Peters commented that contractor hasn't gotten his final grade, they were still working on the project.

Clerk/Treasurer Novobielski gave a sales tax update for August, saying that they were almost a hundred thousand over the same time period last year. He informed Council that he had received an additional fifteen thousand in hotel/motel tax from the state as an adjustment.

Council Member Tierney remarked that in looking at the sales tax sheet for hotel/motel taxes, it shows that increase going to the tourism side.

Clerk/Treasurer Novobielski replied that all of it was tourism, the difference was hotel/motel tax versus the TPA tax.

City Attorney Noe had no report but expressed his thanks.

## 2. Council Members

Council Member Wickenhagen had no report.

Council Member Matson thanked the Police Department for putting on a shooting exercise at the school, saying that she had the opportunity to be a part of that and found it very interesting.

Police Chief Hayes commented that they were doing another that Friday.

Mayor Raymond asked if it would be at the same school.



Police Chief Hayes replied that he believed so.

Council Member Burke had no report.

Council Member Tierney remarked that his tenure ends in December, including his appointment to the LTAC Board, and wondered if anyone else would be interested in taking on his LTAC assignment and join them at future meetings.

Council Member Bell thanked City Attorney Noe for all of the advice he'd given over the years, personally and at council meetings. He corrected his report on pool revenue from the last meeting, saying that the number he had attributed to the entire season last year was only gate sales for open swim, with the total revenue for last year over forty-four thousand dollars.

Council Member Underwood had no report.

Council Member Carlson gave a report on Selah Downtown Association, saying that they would be hosting a Cash Mod at Selah Trailer Sales, and that they would be putting on Spirit Week and were looking for businesses to sponsor and advertise. He noted that one of the façade improvement grant projects had been completed, and the other was underway. He expressed his thanks to City Attorney Noe for his efforts and his counsel, saying that he would be missed. He clarified that his reason for voting no on the HLA item earlier wasn't due to him not thinking the project worthy or valid, but out of concern that they had spent sixty-two thousand in consulting fees in a one month. He felt that HLA does a phenomenal job, but that was a lot of money to be spent without going out to bid for services. He wondered at what point should they say that they need to eliminate or reduce consulting fees.

Public Works Director Henne responded that he would like to discuss that tomorrow, and that a lot of that is reimbursed from grants.

Council Member Carlson said that while he knows it isn't black and white, he felt like it was a lot of money for a consultant.

### 3. City Administrator

City Administrator Wayman said that they received four applications for city attorney, on Thursday, and that the Mayor, Council Member Burke, and himself would be interviewing candidates for the position, with the Mayor making the final decision, which would then be brought to Council for ratification at the next meeting. He remarked that they would be starting the next morning at 8:30am, starting off with discussion on future budgets. He stated that City Attorney Noe had been fantastic for a brand new city administrator in helping him get adjusted and providing excellent counsel. He thanked City Attorney Noe on behalf of himself and the City staff.

### 4. Boards

#### a. Planning Commission Minutes from July 8, 2019

### 5. Mayor

Mayor Raymond reminded Council that a few months back they signed everyone up for AWC webinars, encouraging them to go online and watch them. She added that she has watched three and found them to be pretty good.

**Council took a five minute recess.**

P. Executive Session

1. 20 Minute Session – Potential Litigation RCW 42.30.110 (1)(i); Qualifications for Public Employment RCW 42.30.110 (1)(g)

Council went into Executive Session at 6:40pm. At 7:00pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

Q. Adjournment

**Council Member Tierney moved, and Council Member Bell seconded, that the meeting be adjourned. By voice vote, approval was unanimous.**

The meeting adjourned at 7:00pm.

\_\_\_\_\_  
Sherry Raymond, Mayor

\_\_\_\_\_  
John Tierney, Council Member

\_\_\_\_\_  
Roger Bell, Council Member

\_\_\_\_\_  
Russell Carlson, Council Member

\_\_\_\_\_  
Diane Underwood, Council Member

\_\_\_\_\_  
Jacquie Matson, Council Member

\_\_\_\_\_  
Kevin Wickenhagen, Council Member

\_\_\_\_\_  
Jeremy Burke, Council Member

ATTEST:

\_\_\_\_\_  
Dale E. Novobielski, Clerk/Treasurer

## Selah City Council Retreat

Wednesday, August 28, 2019

8:30am — 4:45pm

Selah Civic Center

### A. Call to Order & Roll

Mayor Raymond welcomed everyone to the meeting.

Members Present: Mayor Raymond; Kevin Wickenhagen; Jacquie Matson; Jeremy Burke; John Tierney; Roger Bell; Diane Underwood; Russell Carlson

Staff Present: Donald Wayman, City Administrator; Monica Lake, Executive Assistant; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; Dale Novobielski, Clerk/Treasurer; Tresa Morales, Recreation Manager

#### 1. Budget Priorities for CY 2020 and Beyond

City Administrator Wayman opened the discussion with an updated schedule for collection of enough money to pay off of the Marudo bonds, currently projected as December 2020.

Discussion included sunsetting the utility tax imposed for repayment of the Marudo property debt and monies taken from reserve funds, a breakdown of the current utility tax, the need for a new Police Station and City Hall, running a bond versus imposing a new lower utility tax after the Marudo tax sunsets, the need to educate the public on either option and the City's current and future needs, being transparent with the decisions Council makes with either option, the City's bond rating, future personnel needs including additional police officers, the need to have a long-range plan Council agrees on, the soft cost expenses for pursuing a new facility or facilities, and the possibility of selling the gazebo property at the end of the trolley line.

**Council took a fifteen minute recess.**

#### 2. Future Police Station/City Hall – Jeff Peters & Nancy Charron

Community Development Supervisor Peters and Nancy Charron presented new concepts for a City Hall and Police Station at the existing Civic Center site, which included acquisition of additional properties in that block. They presented the three options then opened the floor for discussion.

Discussion included traffic flow at the Civic Center and the Naches site, limited police ingress and egress, advantages and disadvantages of the three options, the costs for extending utility services to the Naches location, the need to purchase additional lots if opting for the Civic Center location, the differences in pricing, and which option provided the most flexibility.

#### 3. Lunch/Open Discussion

Discussion included building financing, facility use, interior configurations, multi-use Council Chambers, and solar panels.

4. Sub-Area Action Items – Jeff Peters

Community Development Supervisor Peters provided Council with handouts and explained the studies that needed to be done to continue moving forward with the Sub-Area Plan.

Discussion included a South First Street and Southern Avenue study for a roundabout or traffic signal, what could and couldn't be provided through YVCOG, an brief explanation on why the City has a contract engineer, what dollar amount for engineering services should require going out to bid, a speed study looking at all major corridors in Selah, what improvements would need to be done for a truck route, talking with State Legislature, a decorative street lighting study, and the need for Council to support the development standards update and zoning activities that Planning would be bringing forward in the future.

Tiffany Hein, Selah Downtown Association, talked about wayfinding and welcome to Selah signage, and showed Council an example of the wayfinding signage they would like to install. She also talked about having a large sign welcoming visitors to historic Selah for the downtown area, and her desire to have more greenery downtown, including more Christmas trees beyond the one at the Civic Center each year.

**Council took a fifteen minute recess.**

5. Public Works Projects – Joe Henne

Public Works Director Henne gave a PowerPoint presentation on the various projects his department was working on as well as a breakdown of the current HLA projects list.

A brief discussion on the possibility of hiring an in-house engineer followed his presentation.

6. Police and Fire Personnel Issues – Chief Hayes/Chief Hanna

Fire Chief Hanna outlined the long-range plans for the Fire Department, including both equipment and personnel, and discussed down turn in volunteers nationwide and what they were looking at to keep the volunteers engaged.

Police Chief Hayes discussed the need for additional officers in his department, touching also on the amount of training his officers receive, the schedules they operate under, and the retirements expected within the department over the next five years.

**Council took a fifteen minute recess.**

7. Parks and Civic Center 2020 Issues – Treesa Morales

Recreation Manager Morales handed out binders containing the Parks Comprehensive Plan, currently in the process of getting updated, and talked about proposed changes to the interior of the Civic Center, the status of the City's parks, the lack of outdoor field space and the possibility of building a soccer complex up on Speyers in the future.

Council agreed that cameras at the parks were a necessity.

11. Adjournment

The meeting adjourned at 4:53pm.





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



Council Meeting      Action Item

9/10/2019              K – 2

**Title:** Claims & Payroll

**From:** Monica Lake, Executive Assistant

**Action Requested:** Approval

**Staff Recommendation:**

Approval of Claims & Payroll as listed on Check Registers.

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** See Check Registers

**Funding Source:** See 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  
9/10/2019              N – 1

**Title:** Resolution authorizing the Mayor to sign a Contract for Legal Services with D.R. (Rob) Case, (WSBA #34313)

**From:** Donald Wayman, City Administrator

**Action Requested:** Approval

**Staff Recommendation:**

Approval of the contract and Resolution

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** \$9,000 per month, and \$225.00 per hour for City initiated litigation. (This is \$1,000.00 per month decrease from the previous contract with Mr. Robert Noe.) There is no change in the City initiated litigation.

**Funding Source:** 001 Current Expense; 003 Fire; 411 Water; 415 Sewer; 420 Garbage

**Background / Findings & Facts:** A screening committee chaired by the Mayor interviewed 3 qualified respondents to the RFP for City Attorney services. Mr. Case has an excellent background and should prove to be an effective City Attorney for Selah.

**Recommended Motion:** Approval of Resolution authorizing the Mayor to sign a Contract for Legal Services with D.R. (Rob) Case.

**CITY OF SELAH, WASHINGTON  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION** authorizing the Mayor to sign a Contract for Legal Services with D. R. (Rob) Case (WSBA #34313).

**WHEREAS**, the City of Selah has a need for civil city attorney legal services;

**WHEREAS**, the City of Selah wishes to enter into a Professional Services Contract with D. R. (Rob) Case (WSBA #34313) for these services;

**WHEREAS**, said contract sets forth the terms and conditions for provision of those legal services;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, HEREBY RESOLVES as follows:**

The Mayor is authorized to sign a Contract for Legal Services with D. R. (Rob) Case (WSBA #34313).

**PASSED** this 10<sup>th</sup> day of September, 2019.

\_\_\_\_\_  
Sherry Raymond, Mayor

ATTEST:

\_\_\_\_\_  
Dale Novobielski, Clerk/Treasurer

**CONTRACT FOR LEGAL SERVICES  
(CITY ATTORNEY)**

**I. PARTIES**

This "Contract for Legal Services" (hereinafter referred to as "Contract") is established and entered into by and between the City of Selah (hereinafter referred to as "City") and lawyer D. R. (Rob) Case (WSBA #34313) (hereinafter referred to as "Attorney").

In addition, this Contract shall also apply to any law firm entity(ies) that said lawyer is currently affiliated with and/or that said lawyer might become affiliated with during the term of this Contract, and thus the applicable definition of "Attorney" shall likewise include such law firm entity(ies). However, said lawyer shall have primary responsibility for providing legal services to the City, and other members of such law firm entity(ies) shall provide legal services when necessary on a secondary basis and/or support basis. Also, if said lawyer disaffiliates from such law firm entity(ies), the "Attorney" position under this Contract shall continue to be held by said lawyer personally.

**II. RELATIONSHIP, CLIENT AND INSTRUCTIONS**

Attorney shall work for and be compensated by the City on an independent contractor basis, and by contrast shall not be a direct employee. Accordingly, Attorney shall not be entitled to and shall not earn any fringe benefits (*e.g.*, health insurance, retirement, unemployment and/or paid leave). Moreover, Attorney shall be entitled to – at Attorney's discretion – separately represent other clients so long as the interests of the City are not and/or do not become adverse to, or conflicting with, the interests of such other clients.

City and Attorney acknowledge and agree that Attorney's singular client under this Contract shall be the City as an entity, and by contrast shall not be and shall not include the Mayor, City Council as a body, any Council Member(s) individually and/or any employee(s) or agent(s).

Attorney shall work at the pleasure of the City's Mayor and under the direction of the City's Mayor, and City Council as a body, provided however that Attorney shall always exercise independent professional judgment and shall not act in any way that Attorney deems to be contrary to law and/or unethical. The Mayor, acting on behalf of the City and with the consent of the City Council, may terminate Attorney's engagement at any time without any necessity (ies) of cause and/or advance notice (but subject to the payment provisions set forth in section V. below).



In addition, Attorney shall also – to the extent possible – follow reasonable instructions from the City’s Administrator. In the unlikely event of conflicting instructions from the Mayor and Administrator, the applicable hierarchy that Attorney shall respect and adhere to is that the Mayor shall have primary authority. Attorney shall have no obligation to fulfill and/or adhere to instructions from any Council Member(s) individually or in the absence of a majority Council vote providing direction to Attorney.

### **III. SCOPE OF SERVICES**

Subject to the exceptions set forth in this Contract, Attorney shall provide legal services to and for the City upon request from the City’s Mayor, Administrator and/or City Council as a body (but not, by contrast, from any council member(s) individually). As exceptions to Attorney’s scope of services, Attorney shall have no responsibility for providing any legal services with regard to criminal prosecution and/or infraction prosecution. In the event of contested administrative hearings and/or civil litigation, Attorney shall represent the City as counsel of record unless different counsel is chosen by the City’s insurer(s).

Without modifying the foregoing provisions, the following non-exhaustive list is illustrative of the services to be provided by Attorney:

- A. Reviewing and drafting of ordinances, resolutions, policies, requests for proposal, contracts, agreements, termination notices, disciplinary notices and other legal documents.
- B. Providing advice on legal issues and public policy.
- C. Representing the City in contested administrative hearings, civil lawsuits and appeals stemming from either, except in situations where different counsel is chosen by the City’s insurer(s).
- D. Attending, and as appropriate participating in, public session council meetings, private session council meetings and periodic department meetings.
- E. Consulting with the City’s Mayor, City Council as a body, Council Member(s) and Administrator regarding City affairs, and being generally available via telephone, email and/or in person for such consultations.

### **IV. STANDARDS OF PRACTICE, LICENSURE AND INSURANCE**

Attorney shall provide legal services in a competent and efficient manner, in accordance with the WSBA’s Rules of Professional Conduct.

Attorney shall maintain a license to practice law in good standing. In the event that Attorney’s license to practice law is suspended or revoked, Attorney shall cease providing legal services to the City, the City shall have no obligation to pay Attorney for future legal services

and the City (via the Mayor) shall have the option to terminate Attorney's engagement immediately.

Attorney shall procure and maintain without any lapse, at Attorney's own expense, legal malpractice professional errors and omissions insurance coverage for the City's benefit with minimum coverages in the amounts of one million dollars and no cents (\$1,000,000.00) per claim and one million dollars and no cents (\$1,000,000.00) aggregate. Upon request by the City, Attorney shall provide the City with proof that such malpractice insurance is in effect.

## **V. FEES, COSTS AND PAYMENT TERMS**

Attorney shall be paid a base compensation (as attorney "fees") at a flat-rate of nine thousand dollars and no cents (\$9,000.00) gross per calendar month. For any partial calendar month of service by Attorney, Attorney's base compensation shall be pro-rated on a per-calendar-day basis for such partial month(s).

In the event of civil litigation whereon the City is a plaintiff, a counter-plaintiff and/or a cross-plaintiff, Attorney shall be paid additional compensation (also as attorney "fees") at the rate of two-hundred twenty-five dollars and no cents (\$225.00) gross per hour (or at such different hourly rate the parties might otherwise specifically agreed to on a case-by-case basis).

Attorney shall be reimbursed on a no-markup pass-through basis (as "costs") for the following expenses that Attorney actually advances on the City's behalf: postage and delivery expenses; deposition and discovery expenses; photocopy expenses; filing and service fees; and equivalents to any of such. By contrast, Attorney shall not be entitled to any reimbursement for any other expenses or costs, including but not limited to the following: telephone expenses; internet service expenses; subscription expenses for Westlaw, Lexis and/or any other legal search service; WSBA license fees; continuing legal education (CLE) expenses; office rent; malpractice insurance premiums; and mileage or vehicle expenses.

Attorney shall issue, via mail or email, monthly invoices to the City for all fees and costs. Such invoices shall separately recite, prior to aggregate tallying, Attorney's base compensation for such month, Attorney's hourly-rate fees (if any) during such month and all reimbursable costs incurred by Attorney during such month. With regard to hourly-rate fees (if any), Attorney's invoices shall itemize tasks by description, by date and by daily duration calculated on a one-tenth-hour basis. With regard to reimbursable costs, Attorney's invoices shall recite the date that each expense was paid by Attorney. By contrast, Attorney's invoices may recite Attorney's base monthly compensation as a single entry, without any necessity of itemization of tasks by description, by date or by daily duration.

The City shall issue full payment to Attorney on each monthly invoice within sixty (60) calendar days of the invoice's recited date of issuance, otherwise applicable monetary interest shall apply and accrue at the rate of twelve percent (12.00%) simple interest commencing on and from the original invoice's recited date of issuance and continuing until and

through the date that payment is actually received by Attorney. Any dispute by the City with regard to any portion of an invoice shall be communicated to Attorney via mail or email within fifteen (15) calendar days of the invoice's recited date of issuance, otherwise the City will be deemed to have waived any potential dispute(s). In the event that the City timely disputes a portion of an invoice, the parties shall endeavor to resolve the dispute(s) within following the forty-five (45) calendar days. If the parties are unable to resolve the dispute, either party shall have the option to terminate Attorney's engagement immediately and Attorney shall have the further option to file suit against the City seeking to recover the unpaid portion together with applicable monetary interest applying and accruing at the rate of twelve percent (12.00) simple interest commencing on and from the original invoice's recited date of issuance and continuing until and through the date that payment is actually received by Attorney.

## **VI. ATTORNEY'S INDEMNIFICATION**

Attorney shall defend, indemnify and hold harmless the City and its Mayor, City Council as a body, Council Members individually, Administrator, employees, agents, insurers and assigns, and all combinations thereof, from any and all claims, demands, allegations, lawsuits, damages, injuries, losses, costs, attorney's fees and/or monetary interest, and all combinations thereof, arising from and/or caused by the acts, omissions, errors and/or conduct of Attorney undertaken during Attorney's performance of legal services to and/or for the City, provided however that these obligations by Attorney shall not apply with respect to wrongful acts, omissions, errors and/or conduct undertaken by the City itself and/or its Mayor, City Council as a body, Council Members individually, Administrator, employees, agents, insurers and assigns, and all combinations thereof.

## **VII. MISCELLANEOUS**

This Contract shall be construed and interpreted in accordance with the internal substantive laws of Washington in effect as of its commencement date. The parties mutually waive any provision and/or presumption of law whereby any ambiguous provision of this Contract could or would be construed against either party. Any amendments to this Contract must occur via a signed, written document that is sufficient to satisfy the Statute of Frauds.

## **VIII. COMMENCEMENT DATE, TERMINATION AND POSSIBLE TRANSITION**

This Contract shall commence as of the date set forth beneath the signature block for the City's Mayor. Following its commencement, this Contract shall remain continuously in effect until such date that either party or both parties decide to terminate Attorney's engagement.

The Mayor, acting on behalf of the City, may terminate Attorney's engagement at any time without any necessity(ies) of cause and/or advance notice (but subject to the payment provisions set forth in section V. stating, "For any partial calendar month of service by Attorney, Attorney's base compensation shall be pro-rated on a per-calendar-day basis for such partial month"). By contrast, Attorney shall provide the City with a minimum of thirty (30) calendar

days advance notice if Attorney decides to voluntarily terminate Attorney's engagement, otherwise Attorney shall not be entitled to payment of any pro-rated base compensation for the current calendar month nor any base compensation for the current month and/or for the immediately-preceding calendar month.

If the City is satisfied with Attorney's performance under this Contract, the City may choose to (but is not required to) extend an offer to Attorney for direct employment in a to-be-created position. The parties contemplate that such position would encompass the scope of services covered by this Contract and also additional services (possibly including prosecution services), that it would include all customary fringe benefits and greater compensation (in comparison to this Contract), and that it would be an exclusive position (requiring Attorney, upon acceptance, to resign from all law firm entity(ies)). For clarity, this possible transition is not guaranteed or required, and it is only a potentiality.

AGREED TO AND ENTERED INTO BY AND BETWEEN:

CITY OF SELAH

D. R. (ROB) CASE (WSBA #34313)  
Personally and also currently on behalf of  
Larson Berg & Perkins PLLC

By: \_\_\_\_\_  
Sherry Raymond, Mayor

\_\_\_\_\_  
D. R. (Rob) Case

Effective Date: \_\_\_\_\_

Larson Berg & Perkins PLLC  
105 North Third Street  
P.O. Box 550  
Yakima, WA 98907-0550  
Phone: 509-457-1515  
Fax: 509-457-1027  
Email: [Rob@LBPlaw.com](mailto:Rob@LBPlaw.com)





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



Council Meeting	Action Item
9/10/2019	N – 2

**Title:** Resolution authorizing the Mayor to sign Task Order 2019-08 Addendum No.1 between the City of Selah and HLA Engineering and Land Surveying, Inc. to provide Engineering services for the Naches Avenue and N. 1st Street Sidewalk Improvements Project

**From:** Joe Henne, Public Works Director

**Action Requested:** Approval

**Staff Recommendation:** Staff is requesting the City Council authorize the Mayor to sign Task Order 2019-08 Addendum No.1 between the City of Selah and HLA Engineering and Land Surveying Inc., regarding the General Agreement to provide Engineering services for the Naches Avenue and N 1st Street Sidewalk Improvements Project.

**Fiscal Impact:** \$4,000.00 in addition to the original task order of \$8,000.00.

**Funding Source:** 111 000 095 595 30 63 35

**Background / Findings & Facts:** The City of Selah wishes to improve existing sidewalks on Naches Avenue and North 1<sup>st</sup> Street. Several panels of existing sidewalk on the west side of the Naches Avenue and North 1<sup>st</sup> Street intersection are severely pitted, broken, or uneven and need to be replaced.

**Recommended Motion:** To authorize the Mayor to sign Task Order 2019-08 Addendum No.1 between the City of Selah and HLA Engineering and Land Surveying Inc.



**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:

5/28/2019

Action Taken:

Resolution authorizing the Mayor to sign Task Order 2019-08 between the City of Selah and HLA Engineering and Land Surveying, Inc. to provide Engineering Design services for the Naches Avenue and N 1st Street Sidewalk Improvements Project

RESOLUTION NO. \_\_\_\_\_

**Resolution authorizing the Mayor to sign Task Order 2019-08  
Addendum No.1 between the City of Selah and HLA Engineering and  
Land Surveying, Inc. to provide Engineering services for the Naches  
Avenue and N. 1st Street Sidewalk Improvements Project**

WHEREAS, The City of Selah desires to add Engineering services to the Naches Avenue and North 1st Street Sidewalk Improvement Project; and

WHEREAS, the City of Selah currently uses HLA Engineering and Land Surveying, Inc. for professional civil engineering and consulting work; and

WHEREAS, the City of Selah wishes to engage HLA via Task Order Addendum No. 1 for the Engineering services for the Naches Avenue and N. 1st Street Sidewalk Improvements Project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Mayor be authorized to sign Task Order No 2019-08 Addendum No.1 between the City of Selah and HLA Engineering and Land Surveying, Inc. to provide Engineering Services for the Naches Avenue and N. 1st Street Sidewalk Improvements project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 10th day of September 2019.

\_\_\_\_\_  
Sherry Raymond, Mayor

ATTEST:

\_\_\_\_\_  
Dale E. Novobielski, Clerk/Treasurer

**ADDENDUM NO. 1**

**TASK ORDER NO. 2019-08**

REGARDING GENERAL AGREEMENT BETWEEN CITY OF SELAH

AND

HLA ENGINEERING AND LAND SURVEYING, INC. (HLA)

**REASON FOR ADDENDUM NO. 1:**

Naches Ave. and N. 1st St. Sidewalk Improvements

HLA Project No. 19102E

The City of Selah (CITY) anticipates awarding the construction of Naches Ave. and N. 1st St. Sidewalk Improvements to Granite Construction Company. During construction of the Project, the CITY will provide on-site construction observation necessary to confirm materials and workmanship meet requirements of the contract. However, the CITY desires HLA provide construction administration services.

**SCOPE OF SERVICES:**

Add the following to the Task Order No. 2019-08 scope of services:

**Engineering Services During Construction**

1. Prepare and transmit Notice of Award to the Contractor.
2. Coordinate execution of construction contract with the CITY and Contractor, including review of bond and insurance requirements.
3. Coordinate and facilitate preconstruction meeting between the CITY and Contractor.
4. Prepare and issue Notice to Proceed to the Contractor.
5. Review Contractor's submission of samples and shop drawings, where applicable.
6. Based on measurement and computation of pay items provided by the CITY, prepare and file progress reports on the PROJECT with the CITY, and provide monthly progress pay estimates to the CITY. This estimate includes one progress payment and one final pay estimate for the PROJECT.
7. Monitor General Contractor and Subcontractor compliance with State labor standards during the construction phase of this PROJECT. This work includes checking monthly certified payrolls and issuing letters of non-compliance and/or letters of missing documents.
8. Prepare weekly statement of working days.
9. Prepare and submit proposed contract change orders when applicable.
10. Prepare and submit recommendation of project acceptance and Notice of Completion of Public Works Contract (NOC) for CITY review and processing.

**Additional Services**

Add the following to the Task Order No. 2019-08 Additional Services:



2. Construction land surveying services and site visits will be considered Additional Services billed at regular billing rates.

**TIME FOR PERFORMANCE:**

Add the following to the Task Order No. 2019-08 time of performance:

3. Construction Administration services will begin upon receipt of the signed Task Order and end upon Project acceptance by the CITY. The total contract time authorized for work by the Contractor is fifteen (15) working days.

**FEE FOR SERVICE:**

Add the following to the Task Order No. 2019-08 fee for service:

All work for Engineering Services During Construction shall be performed on a time-spent basis at the normal hourly billing rates included in our General Agreement, plus reimbursement for non-salary expenses, not to exceed \$4,000.00.

**Proposed:** Theodore W. Pooler 8/21/19  
HLA Engineering and Land Surveying, Inc. Date  
Theodore W. Pooler, PE, President

**Approved:** \_\_\_\_\_  
City of Selah Date  
Sherry Raymond, Mayor



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



Council Meeting      Action Item  
9/10/2019              N – 3

**Title:** Resolution Authorizing the Mayor to sign an Interagency Agreement Amendment No. 2 between the State of Washington Department of Enterprise Services (DES) and the City of Selah.

**From:** Joe Henne, Public Works Director

**Action Requested:** Approval

**Staff Recommendation:**

To authorize the Mayor sign an Interagency Agreement Amendment No. 2 between the State of Washington Department of Enterprise Services (DES) and the City of Selah

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Background / Findings & Facts:** The City of Selah originally signed an Interagency Agreement with the State of Washington Department of Enterprise Services (DES) to provide future Energy/Utility Conservation Project Management and Monitoring services in relation to the City of Selah WWTP & Exterior Lighting Energy Efficiency Project. The current amendment will extend the Period of performance date to December 31, 2019 to December 31, 2021.

**Recommended Motion:** To authorize the Mayor sign the Interagency Agreement Amendment No. 2. Attached.



**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:**

3/10/2015

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

5/13/2014

Resolution Authorizing the Mayor to Sign an Interagency Agreement between the City of Selah and the Washington State Department of Enterprise Services to Provide Energy Conservation Project Management

RESOLUTION NO. \_\_\_\_\_

**Resolution Authorizing the Mayor to sign an Interagency Agreement Amendment No. 2 between the State of Washington Department of Enterprises Services (DES) and the City of Selah.**

WHEREAS, the City of Selah has already signed an Interagency Agreement with the State of Washington Department of Enterprises Services (DES), and

WHEREAS, DES would like to amend the Interagency Agreement, number 3. Period of Performance,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor is authorized to sign the Interagency Agreement Amendment No. 2 between the City and the DES.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 10<sup>th</sup> day of September, 2019.

\_\_\_\_\_  
Sherry Raymond, Mayor

ATTEST:

\_\_\_\_\_  
Dale E. Novobielski, Clerk/Treasurer



**INTERAGENCY Amendment**

*Department of Enterprise Services*

Date: August 9, 2019  
Agreement No: K2813  
Project No: 2015-006  
Amendment No: 2

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

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

**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, 2021**, unless altered or amended as provided herein.

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  
Engineering & Architectural Services**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Roger A. Wigfield, P.E.  
Energy Program Manager

Title Date

Title Date

K2813IAAamd2cp



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



Council Meeting      Action Item

5/28/2019              N – 4

**Title:** Resolution Authorizing the Mayor to Sign a Contract between Schneider Water Services of St Paul, Oregon and the City of Selah for the Evaluation and Redevelopment of Well 7.

**From:** Joseph K. Henne, Public Works Director

**Action Requested: Approval**

**Staff Recommendation:**

Staff is requesting the City Council approve the Mayor to sign a contract between the City of Selah and Schneider Water Services of St Paul, Oregon to evaluate and redevelop the production capacity of Well No. 7.

**Board/Commission Recommendation: Not Applicable**

**Fiscal Impact:** \$138,712.40 from the Water Fund 411

**Funding Source:** 411 000 094 594 65 42 00

**Background / Findings & Facts:** The City of Selah has observed a significant decline in the production capacity of Well No. 7 within the last year with lower static water levels (wellhead pressure) and a reduction in pumping performance. The City has secured a grant from the Department of Ecology, Water Resources Drought Response Agreement for \$108,500.00 (50%) of the project cost of \$217,000.00. Video indicates there may have been a partial collapse of the bore hole. This work is to include bore cleaning, installation of a bore hole liner & screening, new video, and test pumping. This information will be used to size a new submersible pump. The purchase and installation of the new submersible pump is estimated at another \$375,000. See attached letter from HLA.



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



**Recommended Motion:** To approve the Resolution Authorizing the Mayor to Sign a Contract between Schneider Water Services of St Paul, Oregon and the City of Selah for the Evaluation and Redevelopment of Well 7.

**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

2/12/2019

A Resolution Authorizing the Mayor to sign Task Order 2019-04 between the City of Selah and HLA Engineering and Land Surveying, Inc. to Evaluate the Capacity of Well No. 7



RESOLUTION NO. \_\_\_\_\_

**Resolution Authorizing the Mayor to Sign a contract  
with Schneider Water Services of St Paul, Oregon for  
the Evaluation and Redevelopment of Well 7**

WHEREAS, the City of Selah has observed a significant decline in the production capacity of Well No. 7 within the last year with lower static water levels (wellhead pressure) and a reduction in pumping performance. The City desires to proceed with the rehabilitation of the existing well and;  
and

WHEREAS, the City has secured a grant from the Department of Ecology, Water Resources Drought Response Agreement for \$108,500.00 (50%) of the Evaluation and Redevelopment of Well # 7 cost.

WHEREAS, the City of Selah wishes to enter into an agreement with Schneider Water Services of St Paul, Oregon for the Evaluation and Redevelopment of Well No. 7.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Mayor is authorized to enter into an agreement with Schneider Water Services of St Paul, Oregon for the Evaluation and Redevelopment of Well # 7.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 10th day of September 2019.

\_\_\_\_\_  
Sherry Raymond, Mayor

ATTEST:

\_\_\_\_\_  
Dale E. Novobielski, Clerk/Treasurer





September 5, 2019

City of Selah  
222 So. Rushmore Road  
Selah, WA 98942

Attn: Mr. Joe Henne

Re: City of Selah  
WELL NO. 7 REDEVELOPMENT  
HLA Project No.: 19044A  
Recommendation of Award

Dear Mr. Henne:

The bid opening for the above referenced project was held at Selah Public Works at 10:00 a.m. on Thursday, September 5, 2019. A total of one (1) bid was received with the low bid of \$138,712.40, being offered by Schneider Water Services of St. Paul, Oregon. This low bid is approximately seven (7) percent above the Engineer's Estimate of \$129,082.60.

We have reviewed and checked the bid proposals of all bidders and recommend the City of Selah award a construction contract to Schneider Water Services in the amount of \$138,712.40. Please send us a copy of the City of Selah Council minutes authorizing award of this project.

Enclosed are copies of the project Bid Summary for your review. Please advise if we may answer any questions or provide additional information.

Very truly yours,

  
Justin L. Bellamy, PE

JLB/rmp

Enclosures

Copy: Caroline Fitzsimmons, HLA  
Rachelle Pacsuta, HLA

