SELAH CITY COUNCIL

5:30pm January 28, 2020

4:00pm Study Session - Interviews for vacant Council Member position #6

Selah City Council
Regular Meeting
Tuesday, January 28, 2020
5:30pm
City Council Chambers

Mayor:	Sherry Raymond
Mayor Pro Tem:	Roger Bell
Council Members:	Russell Carlson
	Jacquie Matson
	Kevin Wickenhagen
	Jeremy Burke
	Clifford Peterson

CITY OF SELAH
115 West Naches Avenue
Selah, Washington 98942

City Administrator:	Donald Wayman
City Attorney:	Rob Case
Clerk/Treasurer:	Dale Novobielski

AGENDA

A. Call to Order -Mayor Raymond

B. Roll Call

C. Councilmember Absence - Motion to Excuse

D. Pledge of Allegiance

E. Invocation

R. Executive Session

1. 30 Minute Session to consider the qualifications of a candidate for appointment to elective office - RCW 42.30.110 (1) (h)

** Vote on New Council Member Selection

** Swearing in of New Council Member

F. Agenda Changes **None**

G. Public Appearances/Introductions/Presentations

1. Introduction of new Police Officer

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

Monica Lake a. Recycling Data Report for the 4th Quarter of 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: January 14, 2020 Council Meeting
Dale N. * 2. Approval of Claims & Payroll

L. Public Hearings

Jeff Peters 1. Public Meeting- Notice of Intent to Annex-McLain Annexation

M. General Business

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

N. Resolutions

Jeff Peters 1. Resolution Negating and Withdrawing Previous Resolution No. 2781, and Replacing It with the Instant Resolution that Schedules February 11, 2020, as the Public Hearing Date for Consideration of the "McLain Annexation"

Joe Henne 2. Resolution authorizing the Mayor to sign a Fuel Tax Grant Distribution Agreement with the Washington State Transportation Improvement Board (TIB) for the TIB West Goodlander Road Sidewalk Improvement project number P-E-182 (POl)-1

Joe Henne 3. Resolution authorizing the Mayor to sign Task Order No. 2020-01 between the City of Selah and HLA Engineering and Land Surveying Inc. to provide Engineering Design Services for the TIB West Goodlander Road Sidewalk Improvement, project number P-E-182(P01)-1

Joe Henne 4. Resolution authorizing the Mayor to sign a Fuel Tax Grant Distribution Agreement with the Washington State Transportation Improvement Board (TIB) for the FY 2021 Overlay Project, Multiple Locations, TIB project number 3-E-182(005)-1

Joe Henne 5. Resolution authorizing the Mayor to sign Task Order No. 2020-02 Between the City of Selah and HLA Engineering and Land Surveying Inc. to provide engineering design services for the West Goodlander Road Improvements, TIB project number 3-E-182(005)-1

0. Ordinances

Dale N. 1. Ordinance Amending the 2020 Budget for Miscellaneous Adjustments

P. Public Appearances **None**

Q. Reports/Announcements

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

R. Executive Session ****RELOCATED**** 20 MIN fiJ.5 /„ TJ 4 T t 01.

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S. Adjournment

Next Regular Meeting: February 11, 2020

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
1/28/2020	I-2a

Title: Recycling Data Report for the 4th Quarter of 2019

From: Monica Lake, Executive Assistant

Action Requested: Informational - No action needed

Staff Recommendation:

NIA

Board/Commission Recommendation: Not Applicable

Fiscal Impact: *NIA*

Funding Source: *NIA*

Background / Findings & Facts: Participation in the Recycling program for the fourth quarter of 2019. See attached for further details.

BASIN DISPOSAL
OF YAKIMA, LLC

January 23, 2020

City of Selah
115 W Naches Ave
Selah, WA 98942

Re: Recycle Data Report 2019

Attached you will find the recycling report for the fourth quarter of 2019. I hope the City is pleased with the progress of the program. If you have any questions please feel free to give us a call.

Sincerely,

Francisco Alcala

cc: Darrick Dietrich

Quarter 4, 2019

City of Selah
Recycling Statistics 2019

	October		November		December	
Size	Quantity	No. Customers	Quantity	No. Customers	Quantity	No. Customers
32 Gallon Cart	1	1	1	1	1	1
64 Gallon Cart	1	1560	1	1557	1	1554
	2	129	2	128	2	126
	3	2	3	2	3	2
	4	0	4	0	4	0
96 Gallon Cart	1	858	1	862	1	862
	2	84	2	81	2	83
64/96 Gallon Cart	1/1	13	1/1	13	1/1	13
	Total	2,647	Total	2,644	Total	2,641
No. Recycle Customers		1,659		1,662		1,658
Percent Participation		62.67%		62.86%		62.78%
Number Set-outs		1576		1579		1575
Percent Set-out		95.00%		95.01%		94.99%
Total Lbs.		36,600		31,380		32,860
Total Tons		18.30		15.69		16.43
Ave. Lbs./Set Out		23.223		19.873		20.863

CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY

Council Meeting	Action Item
1/28/2020	K – 1

Title: Approval of Minutes: January 14, 2020 Council Meeting

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
January 14, 2020

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; Roger Bell; Russell Carlson; Clifford Peterson

Members Absent: None

Staff Present: Rob Case, City Attorney; Dale Novobielski, Clerk/Treasurer; Rick Hayes, Police Chief; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Jeff Peters, Community Development Supervisor; Monica Lake, Executive Assistant

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

D. Pledge of Allegiance

Council Member Peterson led the Pledge of Allegiance.

E. Invocation

Police Chief Hayes gave the prayer.

Swearing In of Council Members and Mayor

Clerk/Treasurer Novobielski swore in Council Members Wickenhagen, Burke, Peterson, Bell and Carlson.

Clerk/Treasurer Novobielski swore in Mayor Raymond.

F. Agenda Changes

1. Remove N – 4; N – 5; N – 6; N – 7

G. Public Appearances/Introductions/Presentations

1. Introduction of new Police Officer

Police Chief Hayes stated that his officer was unable to attend the meeting.

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

I. Communications

1. Oral

Mayor Raymond opened the meeting.

Tiffany Hein, Selah Downtown Association (SDA), approached the podium and addressed Council. She introduced Patty Ferguson, owner of Selah Green Gardens, as the new chairman of the SDA. She said that the facade grant opens January 21; they have already advertised and distributed some applications. She remarked that the beautification grant would be opening in April, and that they would also have the Selah Sip & Stroll in April, an opportunity for businesses to partner with food, wine and beverage businesses to get people out shopping. She went on to say that there will be twenty-one flowerpots put out during the annual May cleanup day, they are working with Recreation Manager Morales on the 4th of July event, and that other events of note for 2020 include Spirit Week in September, Halloween in October, the award ceremony in November, and lights and decorations in December.

Council Member Carlson moved, and Council Member Burke seconded, to allow two addition minutes to speak. By voice vote, approval was unanimous.

Ms. Hein said that April six through eight the Washington Main Street program is putting on a Revitalize Washington conference, which public officials can attend, and requested that if the Mayor, Council Members or the City Administrator were interested in attending to contact her.

Mayor Raymond asked where the conference would be held.

Ms. Hein replied that it would be in Wenatchee.

Council Member Matson requested that she explain the difference between facade and beautification.

Ms. Hein explained that the façade grant deals with the building itself, while beautification deals with landscape and design. She added that they were going to extend the boundaries because their borders include a lot of historic homes on Third Street, which would be eligible for restoration.

Council Member Bell commended Ms. Hein for the reports she brought to Council from the SDA.

City Administrator Wayman agreed that she was doing a great job.

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

2. Written **None**

J. Proclamations/Announcements **None**

K. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

* 1. Approval of Minutes: December 10, 2019 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 83248 – 83265 for a total of $236,249.79
Payroll Checks Nos. 83266 – 83285 for a total of $299,104.54
Payroll Checks Nos. 83286 – 83351 for a total of $249,435.01
Claim Checks Nos. 74150 – 74220 for a total of $518,401.71
Claim Checks Nos. 74222 – 74286; 74306 for a total of $231,923.84
Claim Checks Nos. 74221; 74287 – 74305 for a total of $369,747.93

* 3. Resolution N – 3: Resolution Establishing January 28, 2020, as the date for a Public Hearing to Consider the Proposed "McLain" Annexation (File Number: Annex 2020-001)

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

L. Public Hearings

1. Closed Record Public Hearing to consider the City of Selah Planning Commission's Recommendation regarding a Class 3 Review, Nonconforming Use, Administrative Adjustment, and State Environmental Checklist applications for the construction of a new primary school

Community Development Supervisor Peters addressed L – 1. He stated that this was a closed record hearing on a Class III review application for construction of the new John Campbell elementary school, and that the Planning Commission conducted an open record hearing December 3, 2019 and recommended approval subject to the conditions included in the Council packet. He said that condition number twenty-one would look a little different than what was in the Planning Commission's recommendations and approval, as language was added that gave the City and the Selah School District (SSD) a little bit of working room for the Public Works Director to work with the SSD on construction issues that could delay things, although the other conditions remain unchanged.

Council Member Carlson wondered if it was modified before, during, or after the Planning Commission meeting.

Community Development Supervisor Peters responded that it was done immediately after.

Council Member Carlson asked if the meeting had concluded at that point.

Community Development Supervisor Peters answered in the affirmative, saying that the SSD recognized at the hearing that the condition was a little strict and questioned it, as did the Planning Commission, with the explanation that the City wished to be a little more guarded with approvals and time frames to complete construction for different portions of the project. He said that Public Works Director Henne felt that, as the Planning Commission was willing to give leeway at the hearing, they would put it into the

Resolution. He noted that it was non-typical, but in this case because it was discussed at the public hearing and this is a closed record public hearing, that Council has the ability to review, modify or accept the conditions as written.

Council Member Carlson wondered if the SSD reviewed and okayed the change.

Community Development Supervisor Peters replied in the affirmative.

Council Member Carlson inquired if it was in response to the delays with the Lince construction project.

Community Development Supervisor Peters answered in the affirmative, saying that the directive from management was that the City wanted to make sure there wouldn't be excessive delays and to have more attention paid to getting improvements in that impact the public.

Mayor Raymond asked if they were having a public hearing.

Community Development Supervisor Peters responded in the affirmative, saying that it was a closed record public hearing, and that only people who could speak were those who spoke at the open record public hearing, which would be the SSD and their representatives.

Mayor Raymond opened the Closed Record Public Hearing.

Brent Harding, NAC Architecture, approached the podium and addressed Council. He stated that he was representing the SSD and offered to answer any questions Council might have.

Council Member Carlson remarked that the community knows about the delays on Third Street, and asked if the SSD had school reviewed and okayed condition twenty-one.

Mr. Harding replied that they had, and that as originally written they felt it didn't allow for any flexibility of extraneous conditions, so they asked the City to consider language that would allow flexibility if a situation should arise.

Council Member Bell wondered if the SSD was okay with the things included that weren't near John Campbell Elementary.

Mr. Harding responded that they've met with city personnel about the parameters and have been assured that City staff would work with the SSD in acquiring grant dollars to pay for the additional work.

Seeing no one else step forward, Mayor Raymond closed the Closed Record Public Hearing.

2. Public Meeting to Provide for Council Review and Acceptance of the Final Plat of Ridgeview Heights

Community Development Supervisor Peters addressed L – 2. He said that it was a public meeting to provide Council review and acceptance of the final plat of Ridgeview Heights, giving the history of the project from its original submittal by Hayden Homes through a review of requirements by both the

Public Works and Planning departments, after with they received a letter of substantial completion for the plat. He requested that Council approve the Resolution allowing them to record the plat, adding that there may be some minor items that need to be addressed such as street lights on order or landscaping issues that need to be addressed when a house goes up, along with a couple different items they have yet to complete that aren't substantial to the project. He noted that the Public Works Director noted those in the letter granting them approval of the engineering plans and plans to make corrections and final tweaks to the plat.

City Administrator Wayman remarked that they also had some concerns regarding runoff and mud coming off the project and are ensuring they have silk fencing up for the duration of the project, until landscaping and so on has been put in.

Community Development Supervisor Peters stated that they aren't treating them any differently than any other developer in the City, as all are required to have stormwater controls in place, and that if they violate the stormwater act by discharging dirt and water off their site Ecology would fine them.

City Administrator Wayman requested that he explain the compaction.

Community Development Supervisor Peters gave a brief explanation of the compaction requirements when a development has a lot of earth movement.

Council Member Carlson wondered if someplace that doesn't meet the compaction requirements would eventually arrive at that point.

Community Development Supervisor Peters answered that if doesn't meet they won't pass it, and it then goes back to the developer to deal with. He outlined a few options, adding that they would re-test to show compaction.

Council Member Bell asked if compaction and runoff would be done as each individual lot is developed.

Community Development Supervisor Peters responded in the affirmative, saying that the developer has a plan to go into the lower portion below the retaining wall and sidewalk to tamp it down and seed with hydroseed grass to retain all that dirt when the weather permits, and that depending on how each lot is developed, they could do a number of things, such as hauling dirt away or residential retaining walls for individual lots.

Council Member Bell remarked that he wanted to ensure there was a system to monitor that.

Community Development Supervisor Peters will be partly Code Enforcement Officer Barnett's responsibility and partly the owner's, as the owner is responsible for maintaining it until sold, and will move or step back siltation devices out of developed portions as each lot is developed.

Council Member Carlson wondered about dirt going down Crusher Canyon during a rainstorm.

City Administrator Wayman remarked that the fencing isn't one hundred percent, but for an average rainfall it should hold.

Community Development Supervisor Peters stated that they would treat them like any other development that violates the stormwater act, adding that Code Enforcement Officer Barnett has all these developments on her radar screen along with a list of active construction sites, and there would be changes in how the City has to deal with stormwater quality requirements.

City Administrator Wayman remarked that the requirements are getting more stringent at the municipal level, and it's more incumbent upon them to pay more attention and devote more resources to it.

Council Member Burke commented that the northwest corner doesn't abut to a city street but is just as tall a section along Crusher Canyon, asking if they would be following up with that.

Community Development Supervisor Peters responded that what was on the plan was what they're going to do, adding that he knows that particular property owner has been in contact with them but it's outside the City's purview. He said that had the property owner come in during the preliminary plat process and made a point about the grading and how it was developed they would have addressed it at that time, but they didn't come in.

Council Member Burke wondered if there was a way to put in a condition even though the property owner didn't come in at that time.

Community Development Supervisor Peters replied that, per State law, once they have preliminary plat approval and the conditions of approval, they're only bound to complete just those. He noted that all they could do at this time was to make HLA aware of that concern.

Council Member Carlson inquired how they could prevent something like that in the future, as while landowners are notified they can't expect them to be experts.

Community Development Supervisor Peters replied that there is a construction standards document with angles that they meet.

City Administrator Wayman stated that they are meeting the requirement.

Council Member Carlson asked if they were meeting the minimum standards.

City Administrator Wayman replied that he didn't know if it was the minimum but they were meeting the requirements.

Council Member Carlson asked again if they were meeting the minimum.

Community Development Supervisor Peters answered that they were meeting the City's requirement.

Council Member Carlson wondered how they could solve that in the future so landowners nearby know how they would be affected since they can't see the vision the builder sees, and how could they educate the property owners.

Community Development Supervisor Peters replied that the solution is to ask the engineering contractors to design a construction standard different than what is currently on the books to bring to the Planning Commission for review, then to Council for review and adoption. He reminded Council that he can only enforce development regulations that are in the municipal code, and per State law there's only a certain window of opportunity in the development process to take input and consider outside development standards, saying that it's unfortunate that person didn't come talk to them, but the developer could be handling their concerns outside of this process. He recommended acceptance of the Resolution.

Council Member Carlson inquired as to the timeline on completing the non-home being built requirement conditions such as light poles.

Community Development Supervisor Peters replied that the light poles were supposed to be delivered and installed sometime this week.

Council Member Carlson wondered if there were other conditions that don't require a home to be built to satisfy them.

Community Development Supervisor Peters answered in the negative, saying that the other conditions are more aesthetic that the developer elected to do as extra items, and they didn't want to see a lot of stormwater leaving the site and carrying dirt down the road so they are doing things above and beyond plat approval, but all hard and fast infrastructure was completed.

Mayor Raymond asked if anyone from public like to speak. Seeing no one rise to speak, she moved on.

General Business

1. New Business

   a. Selection of Mayor Pro Tempore for Calendar Year 2020

Mayor Raymond opened the floor for nominations.

Council Member Carlson nominated Council Member Burke.

Council Member Matson nominated Council Member Bell.

City Administrator Wayman suggested asking for a second on the first nomination.

Mayor Raymond asked if there was a second on the nomination.

Council Member Peterson seconded the nomination of Council Member Burke for Mayor Pro Tempore. Roll was called: Council Member Wickenhagen – no; Council Member Matson – no; Council Member Burke – yes; Council Member Peterson – yes; Council Member Carlson – yes. Motion tied with three yes votes and three no votes.

Mayor Raymond cast the tie-breaking vote, voting no because they had other nominations.

Mayor Raymond stated that they also had a nomination from Council Member Matson for Council Member Bell.

Council Member Wickenhagen seconded the nomination of Council Member Bell for Mayor Tempore. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – no. Motion passed with five yes votes and one no vote.

Mayor Raymond announced that Council Member Bell would be Mayor Pro Tempore for 2020.

b. Board and Committee Assignments for Calendar Year 2020

Mayor Raymond read through the list of board and committee assignments. Council Members were assigned as follows: Finance Committee – Council Members Carlson, Matson, and Wickenhagen; Volunteer Park Committee – Council Member Wickenhagen; Lodging Tax Advisory Committee and Selah Tourism Promotion Board – Council Member Carlson; Yakima Valley Conference of Governments – Council Member Matson; Yakima Valley Visitors & Convention Bureau – Council Member Wickenhagen; Selah Parks & Recreation Service Area Board – Council Member Bell; Fire Commissioners Board and Volunteers Firefighters Board – Mayor Raymond and Council Member Bell; Selah Chamber of Commerce – Council Member Bell; Selah School District – Council Member Burke; Naches-Selah Irrigation District Voting Member – Mayor Raymond; Selah Downtown Association – Council Member Carlson.

2. Old Business **None**

N. Resolutions

1. Resolution approving a Class 3 Review, Nonconforming Use, Administrative Adjustment, and State Environmental Checklist applications to Construct a New Primary School at 408 N. 1st Street, Selah WA, 98942 (John Campbell) for the Selah School District (SEPA-2019-009, ADJ-2019-006, CL3-2019-002, & NCF-2019-001)

Community Development Supervisor Peters addressed N – 1. He said that this Resolution approves the is Class II review for the John Campbell elementary school construction and recommended approval.

Council Member Carlson moved, and Council Member Bell seconded, to Approve the Resolution approving a Class 3 Review, Nonconforming Use, Administrative Adjustment, and State Environmental Checklist applications to Construct a New Primary School at 408 N. 1st Street, Selah WA, 98942 (John Campbell) for the Selah School District (SEPA-2019-009, ADJ-2019-006, CL3-2019-002, & NCF-2019-001). Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

2. Resolution Approving the Final Plat of "Ridgeview Heights and Authorizing the Mayor to sign the Final Plat

Community Development Supervisor Peters addressed N – 2. He said that this was the Resolution approving the final plat.

Council Member Matson moved, and Council Member Peterson seconded, to Approve the Resolution Approving the Final Plat of "Ridgeview Heights and Authorizing the Mayor to sign the Final Plat. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

* 3. Resolution Establishing January 28, 2020, as the date for a Public Hearing to Consider the Proposed "McLain" Annexation (File Number: Annex 2020-001)

~~4. Resolution authorizing the Mayor to sign a "Fuel Tax Grant Distribution Agreement" with the Washington State Transportation Improvement Board ("TIB") for the City's forthcoming sidewalk improvements along West Goodlander Road, which is TIB project number P-E-182(P01)-1~~

~~5. Resolution authorizing the Mayor to sign "Task Order No. 2020-01" between the City of Selah and HLA Engineering and Land Surveying, Inc., thus engaging HLA to provide engineering design services for the City's forthcoming sidewalk improvements along West Goodlander Road, which is TIB project number P-E-182(P01)-1~~

~~6. Resolution authorizing the Mayor to sign a "Fuel Tax Grant Distribution Agreement" with the Washington State Transportation Improvement Board ("TIB") for the FY 2021 Overlay Project, Multiple Locations, which is TIB project number 3-E-182(005)-1~~

~~7. Resolution authorizing the Mayor to sign Task Order No. 2020-02 Between the City of Selah and HLA Engineering and Land Surveying Inc. to provide engineering design services for the West Goodlander Road Improvements, TIB project number 3-E-182(005)-1~~

8. Resolution authorizing the Mayor to sign an addendum to the currently in effect "Interlocal Agreement Between the City of Sunnyside, Washington and the City of Selah, Washington, for the Housing of Inmates", which addendum will be "Addendum II" to such Interlocal Agreement and which will establish a new, slightly higher daily bed rate charged by Sunnyside to Selah for the calendar year of 2020

Police Chief Hayes addressed N – 8. He said that the City of Sunnyside has raised their rates, and that although it got lost on his desk prior to the 2020 budget, it isn't going to hurt the Police Department's budget as they don't ever go over the Sunnyside jail budget.

City Administrator Wayman inquired as to why that was.

Police Chief Hayes replied that they would love to use them more, but when someone is booked at the Yakima County jail with multiple charges they can't move them to Sunnyside until other charges are cleared, so they pay a higher rate until the others clear. He said that, in addition, the County has a rule that they can deem a prisoner a problem prisoner, and if they do then they charge us more for it.

Council Member Carlson asked if they catch someone with more charges they pay a higher rate.

Police Chief Hayes responded that if they catch them they can drive them to Sunnyside, but if anyone else arrests them they book to the County jail. He noted that they could play the game and not confirm warrants but they need to go to jail if deserved.

Council Member Burke asked if jurisdictions share costs.

Police Chief Hayes answered that if they have felony charges he thinks they get charged, although he wasn't really sure.

City Administrator Wayman commented that they have gotten a lot better at questioning charges, especially the medical issues.

Council Member Burke wondered if they were pushing back on the high-risk higher rate people.

Police Chief Hayes replied that it's written in the contract that they can determine that, and while it's something they could discuss, they aren't the ones taking care of those booked into jail.

City Administrator Wayman remarked that the interlocal agreement was always up for discussion, although he doesn't know how they could question their judgment.

Council Member Burke said that he wondered because they push back on the medical ones.

Police Chief Hayes responded that if they deem someone a problem child then the County charges ninety-eight dollars a day, double what they would pay at Sunnyside, so he has Animal Control Officer Knox monitor the inmates at County and move a single payer to Sunnyside. He went on to say that if they are moved to Sunnyside then Animal Control Officer Knox has to drive to Sunnyside on court days to bring them to Selah for court, so they're trying to move them around to the best place along with opening up home detention to more people.

City Administrator Wayman noted they didn't plan to charge people the daily fee for using the home detention bracelet.

Police Chief Hayes added that of the sixteen-dollar fee, they pay eight dollars, and that people could be placed on home detention if they meet the qualifications.

Council Member Burke asked if they could look into whether they were being billed full cost on dual agency holds and if the County was getting a double rate on some inmates.

Police Chief Hayes remarked that Sunnyside won't take problem children or women.

Council Member Burke moved, and Council Member Wickenhagen seconded, to Approve the Resolution authorizing the Mayor to sign an addendum to the currently in effect "Interlocal Agreement Between the City of Sunnyside, Washington and the City of Selah, Washington, for the Housing of Inmates", which addendum will be "Addendum II" to such Interlocal Agreement and which will establish a new, slightly higher daily bed rate charged by Sunnyside to Selah for the calendar year of 2020. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

O. Ordinances

1. Ordinance Adopting a new public street standard detail for Local Access Streets with single frontage development into the "City of Selah's Design, Construction Standards and Specifications for Public Works Improvements" set forth in Selah Municipal Code Chapter 13.01; Providing for Severability; and Establishing an Effective Date

Community Development Supervisor Peters addressed O – 1. He said that this Ordinance was regarding the adoption of a new public street standard design, as one of the things they've experienced due to some recent developments over the last three years was that they currently have one street standard in the construction standards document that is designed for a local access street with curb, gutter and sidewalk on one side of street, two lanes of travel and a certain width, but in newer subdivisions being placed in topographically challenging areas, that makes it hard to get a road in. He went on to say that this allowed for a modified street standard with development on only one side of road, eliminating the sidewalk from the side where the road would be abutted into the hillside, to allow development to occur a little more easily in challenged areas. He added that, although no developments have submitted for this, some property owners brought it to their attention, and this gives the development community a little more leeway to develop properties while still providing for all our development needs and requirements for stormwater and retainage.

Council Member Matson commented that the curb, gutter, and sidewalk would be on the opposite side.

Community Development Supervisor Peters said that it would be on the side where the houses were, with lanes at a larger width to allow for on street parking as well.

Council Member Carlson asked if anyone walking from that development onto a main road would have to cross the street at any point.

Community Development Supervisor Peters replied in the negative.

Council Member Carlson wondered if they could stay on a cross walk.

Community Development Supervisor Peters responded that they would look at traffic control standards that would specify that developer would have to do with regard to that.

Council Member Carlson expressed concern about the erosion of the road over time.

City Administrator Wayman responded that there would still be a curb.

Community Development Supervisor Peters added that there would still be a curb and gutter.

Council Member Carlson inquired if they would require grass.

Community Development Supervisor Peters replied that it's not something one does with a road standard, but they could specify that the developer put in grass or shrubs. He added that the intent was not to undercut that bank, and it could be helped by requiring they plant groundcover.

Council Member Carlson saw the need but was still concerned about replacing a sidewalk with weeds or gravel sloping off.

City Administrator Wayman remarked that it would be a building condition, not street design, and that how they were going to control vegetation on a hill could be a condition of plat approval.

Council Member Carlson reiterated that was his concern.

Community Development Supervisor Peters commented that they were talking about a simple road standard.

Council Member Bell asked if this would only apply to property that had no ability to develop on one side of the street.

Community Development Supervisor Peters answered that it would be a plat restriction, and is only for roadways where the developer is proposing development on only one side.

Council Member Bell pointed out that it could mean anything in any development.

Community Development Supervisor Peters responded that the developer had to propose it as part of the development plan, and that they were asking to add this to the standards adopted late last year by Council. He went on to say that they could require covenants and restrictions if a larger lot wasn't being touched because of a hillside, and also place a restriction on the face of the plat itself that would come up in a title report when they sell the property. He noted that the City would also have it in their records and the party wouldn't be allowed to build on that parcel.

Council Member Bell gave a scenario where a developer put in a sidewalk on only one side, then came back five years later to dig out the other side and build houses on that side as well.

Community Development Supervisor Peters replied that they would only be dedicating right of way for curb, gutter and sidewalk on one side with a plat restriction, and the developer would have to do a critical area review for the hillside as well as requiring them to put in a sidewalk on the side not dedicated to the City, which brings the liability back to the City.

Council Member Burke expressed concern that this would be used by a developer to put a road on one side of a property.

Community Development Supervisor Peters replied that theoretically they could propose that, and that while the City wouldn't be legally correct to do a plat restriction on someone else's property, during the approval process they would look at that and possibly put in other conditions of approval or flat-out deny their request.

City Administrator Wayman remarked that if there was no way for them to control use of the other side of the street then they would require them to move the street.

Council Member Carlson expressed concern about loopholes, of which he opined there were many, adding that when Council Member Bell asked a question he received a head nod from the City Administrator and a different answer from Community Development Supervisor Peters.

Community Development Supervisor Peters replied that he wasn't sure what he meant.

Council Member Carlson responded that he could foresee a scenario where someone uses loopholes.

Council Member Wickenhagen remarked that when the parcel on the opposite side was developed the other would be marked for non-development.

Council Member Burke pointed out that it wouldn't work if they don't own the other parcel.

Community Development Supervisor Peters stated that all construction details are subject to review by the Public Works Director, and plat reviews are subject to Council approval. He went on to say that although there are loopholes in every development standard, they have thought this one through and don't see it being used unilaterally across the board; it would simply be a construction standard in Public Works manuals subject to the Public Works Director allowing them to use it, which could certainly be denied.

Council Member Bell commented that he wasn't comfortable with that, and while he liked the wording of the Ordinance, he wanted some kind of assurance that when the situation changes they're going to hold them accountable to the normal standard.

Community Development Supervisor Peters answered that was where plat restrictions come into place.

Council Member Burke opined that it would only apply if they limit the use of it to a developer who puts a road in the center of the subdivision, or at least offset it by five feet from the edge of the plat. He expressed some concern regarding slopes and needing some foresight on what would happen regarding retaining walls and roads.

Council Member Wickenhagen proposed that they create another ordinance that says that any property deemed unbuildable but is now deemed buildable would require the developer to put in a sidewalk.

City Administrator Wayman remarked that they were saying if someone carved out the hillside and made a buildable lot then they would come back and tell them that they need to put in a sidewalk to make it work, that they can't build without a sidewalk.

Council Member Carlson opined that it was interpretation.

City Administrator Wayman responded that it would be reviewed by the Planner and possibly the Planning Commission, then the Council, and while there are loopholes in everything they lean on the Planner, Public Works Director, City Administrator, Planning Commissioners and Council Members when irregular issues come up.

Council Member Carlson said he would like the developer to know that it's an option that could be approved or denied.

Community Development Supervisor Peters replied that they have a very large binder for design standards with the designs in the Appendices, but before all that it gives the Public Works Director control over the designs of city streets. He went on to say that the reason it was brought to Council tonight was that they have that exact situation requested by a developer, and in the current City Ordinance and construction and design standards there is no adoption of this standard, which doesn't allow the Public Works Director to approve a new design standard for use as a tool.

City Administrator Wayman suggested approval if they wish to see the community build around existing topography, or denial if they desire topped off hills and chopped terrain.

Council Member Bell stated that he wasn't opposed to the Ordinance, he was just concerned about the scenario he presented where a developer would utilize this and it would create issues for the City down the road. He added that what he wanted was to know that it would be a requirement that if the situation changes they must re-permit.

Community Development Supervisor Peters responded that they would require the developer to put in a curb, gutter and sidewalk, along with a retaining wall, if the situation warranted. He suggested that they could place a note at the bottom of the construction standard that this may only be applied when both sides of the public street were owned by the proposed developer so they could apply restrictions to the other lot.

Council Member Burke liked the suggestion.

Mayor Raymond asked if Council wished to send it back for modifications.

Council Member Wickenhagen moved, and Council Member Peterson seconded, to approve the Ordinance Adopting a new public street standard detail for Local Access Streets with single frontage development into the "City of Selah's Design, Construction Standards and Specifications for Public Works Improvements" set forth in Selah Municipal Code Chapter 13.01; Providing for Severability; and Establishing an Effective Date. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – no; Council Member Burke – no; Council Member Peterson – yes;

Council Member Bell – yes; Council Member Carlson – no. Motion tied with three yes votes and one no vote. Mayor Raymond cast the tiebreaker vote, voting no. Motion failed.

Council Member Carlson commented that a simple modification would sway the Council.

Mayor Raymond asked if Council desired to vote to add a modification at the end.

City Administrator Wayman inquired if they could get the language perfected for the modification.

Council Member Burke answered that the proposed language would be 'this local access option is only available when the developer or property owner owns at least five feet on each side of the roadway or the public right of way'.

Community Development Supervisor Peters was fine with that.

Council Member Burke wondered if that would prohibit use of the option.

Council Member Carlson opined that where the developer only owns one side it would work.

Council Member Burke commented that he just put in the five feet so it wasn't just any number.

Mayor Raymond asked what would prohibit the property owner from selling that to a new buyer.

Community Development Supervisor Peters responded that it would be a condition of plat approval.

Council Member Burke noted that it allows the City to control that.

Council Member Burke moved, and Council Member Bell seconded, to approve the Ordinance Adopting a new public street standard detail for Local Access Streets with single frontage development into the "City of Selah's Design, Construction Standards and Specifications for Public Works Improvements" set forth in Selah Municipal Code Chapter 13.01; Providing for Severability; and Establishing an Effective Date, with the addition of language reading 'this local access option is only available when the developer or property owner owns at least five feet on each side of the roadway or the public right of way'. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

2. Ordinance Amending Section 8.70.020 of the Selah Municipal Code, "Parking Prohibited on Certain Streets", Providing for Severability; and Establishing an Effective Date

Community Development Supervisor Peters addressed O – 2. He said that this Ordinance amended Section 8.70. 020 regarding parking prohibited on certain streets, and was done with regard to the new Lince School to provide for no parking along Third Street and portions of the South side of Bartlett Avenue, to prohibit folks dropping off their kids from parking on Bartlett and to accommodate the reduced road prism due to increased walkability for the school on Third Street. He went on to say that

the Planning Commission held a public hearing at the request of the Public Works department, although one was not required, with notices mailed out to all property owners, and that they had one citizen alone with staff from the school and City staff attend the meeting. He requested that Council approve the Ordinance prohibiting parking along portions of Third Street and Bartlett Avenue.

Council Member Carlson asked if the additions were only Third Street and Bartlett Avenue.

Community Development Supervisor Peters replied in the affirmative.

Council Member Matson asked about the one citizen in attendance.

Community Development Supervisor Peters replied that the citizen who showed up felt that the City should consider no parking on her road in the future.

Council Member Matson asked if Third Street south of Park was listed as no parking.

Community Development Supervisor Peters answered that he believed that was correct.

Council Member Bell moved, and Council Member Carlson seconded, to approve the Ordinance Amending Section 8.70.020 of the Selah Municipal Code, "Parking Prohibited on Certain Streets", Providing for Severability; and Establishing an Effective Date. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote approval was unanimous.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Police Chief Hayes said that they currently have five in the Yakima County Jail, three of which are a higher rate, one is female, and that while one higher rate was all theirs, the other two were split with another agency.

Council Member Burke asked if the fifty-fifty split was a cheaper rate than Sunnyside.

Police Chief Hayes answered that with the rate increase it would be two dollars cheaper. He noted that February 3 is the first night of the 2020 Citizens Academy, which runs from 6 to 8:30pm.

Community Development Supervisor Peters gave an brief update on the Planning Department, including sub area plan development; starting the process to get a land use analysis done on the Urban Growth Area, doing an in depth look at needs for commercial property, residential two-family through multi-family development, and opportunities for underdeveloped areas, looking at proposed changes to zoning and land use along with vacant and developable land with steep slopes and undevelopable areas; and the start of the Planning Commission's process to amend the Comprehensive Plan for proposed individual land rezones by developers and land owners.

City Attorney Case said that the civil litigation for the Owens property as it pertains to the issue of fees would likely have a final decision at the Superior Court level this coming Friday, which would then trigger the thirty-day window for appeal with enough time to have an executive session to discuss the matter if Council desired.

2. Council Members

Council Member Carlson commented that the Citizens Academy is a good group of meetings and education. He expressed concern that the City had spent half a million dollars the past year on a single engineering firm, opining that if they create levels of competition that would also create opportunities. He reminded his fellow Council Members that Public Works Director Henne had talked at their retreat about having a second engineering firm and he would like to see where that comes into play, with all contracts coming out to bid after a few years. He acknowledged Council Member Wickenhagen's point about HLA and their strengths, they are stronger because they know our community, but felt that by not using other engineering firms there would never be anybody who knows their community better than HLA. He thought they needed to come up with a process on all contracts over a certain value where they go out to bid, and in some cases have a secondary vendor who participates and gets business.

Council Member Bell commented that he and his wife would be attending the Citizens Academy. He said that he had a different approach with regard to HLA, as he was one of the people who evaluated the other engineering firms from the recent bid, and felt that it wasn't just a matter of whether someone else could come in but also the vast expertise and variety that HLA could provide, and that being local was only one of the criteria they were rated on. He gave a brief update on the pool, saying that they were very close to meeting the requirements for an occupancy permit. He noted that the Make A Splash fundraiser would be held at the Civic Center Saturday night to raise money to operate this summer on a modified season. He expressed concern that an issue before this Council several meetings ago was determined to be so important that it was tabled due to a Council Member's absence, yet when he was unable to attend the next meeting they took a vote on the matter anyway. He felt that there were two things wrong with that, the first being that tabling wasn't the correct motion because that has to be brought up before they adjourn or it drops completely, while the second issue was that if they postpone an item due to a Council Member's absence then it shouldn't be voted on at another meeting if a different Council Member isn't present.

Council Member Peterson had no report but said he was glad to be there.

Council Member Burke had no report but apologized to Council Member Bell, saying that the reason he tabled it the first time was because the only person he knew who was opposed to it at the time wasn't in attendance and he didn't want to ask people to vote to circumvent that absent individual.

Council Member Bell responded that no apology was needed, he simply wanted the full Council to be aware of how they conduct their business.

Council Member Matson had no report.

Council Member Wickenhagen remarked that he also reviewed the bids for City Engineers, and that his suggestion would be to look at hiring a person to do a lot of what they do, as a vast amount of the jobs they did dealt with road projects.

City Administrator Wayman replied that it was something they could study.

3. City Administrator

City Administrator Wayman said that they have seven candidates to interview for the vacant Council position and suggested starting the study session of interviews at 4pm.

Council Member Carlson inquired as to what would happen if they couldn't come to a decision prior to the start of the Council Meeting.

City Administrator Wayman answered that they would go into an executive session after the Council Meeting starts to review the applicants, then go back on the record to vote on a new Council Member.

Council Member Carlson stated that he was good with a 4pm study session if the executive session was done during the regular Council Meeting.

Council had a consensus to start the study session at 4pm.

City Administrator Wayman stated that they would schedule the study session for 4pm, and would notify the candidates accordingly. He went on to say that they would pick numbers out of a hat to determine position, with ten minutes each for presentation. He remarked that he was reviewing contracts for Council, and discovered that the BDI contract expired at the end of 2018, with the stipulation that it could continue on a year to year basis if they were satisfied and had no changes. He said that he would have additional details at the next meeting for Council to consider.

4. Boards

a. Planning Commission Minutes for December 3, 2019

5. Mayor

Mayor Raymond presented Council Member Matson with an AWC certificate of municipal leadership. She said that Perry Tech has invited the Council to an open house lunch and tour of their facility, and provided her with the dates of February 6, 19, or 20 as options, with a start time of 11am. She asked if any Council Members were interested in attending, and on which date.

Council Member Carlson asked if all three dates were open.

Mayor Raymond answered that they needed to pick one date, narrowing it down to either the 6th or the 19th, and requested that anyone interested in going contact her with the date they prefer.

P. Executive Session **None**

Q. Adjournment

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

The meeting adjourned at 7:32pm.

Sherry Raymond, Mayor

Roger Bell, Council Member

Russell Carlson, Council Member

Jacquie Matson, Council Member

Kevin Wickenhagen, Council Member

Jeremy Burke, Council Member

Clifford Peterson, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY

Council Meeting	Action Item
1/28/2020	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
1/28/2020	L – 1

Title: Notice of Intent to Annex – McLain Annexation

From: Jeff Peters, Community Development Supervisor

Action Requested: Public Meeting

Staff Recommendation: Accept the "Notice of Intent to Annex" petitions, establish the proposed annexation boundary as identified in Exhibit "A", and indicate items 2, 3, and 4 (as identified below) will be required as a part of this annexation.

Fiscal Impact: N/A

Funding Source: N/A

Background / Findings & Facts: Consideration of "Notice of Intent to Annex" petitions submitted by Jackie and Deborah McLain to annex approximately 3.03 acres of property east of S. 1st St., and south of Test Drive Lane. Tax Parcel Numbers: 181301-32001, -32410, -32404, and -32407. The subject properties are currently in the process of being sold by the McLain's to Country Investments, LLC (comprised of Cody Beebe, Patrick Gasseling, Joe Catron, and Josh Johnson). The LLC intends to further develop the subject property in accordance with the property's proposed zoning, and City's zoning ordinance. If accepted Council should establish: (1) The geographic boundary of the proposed annexation;(2) Indicate whether simultaneous adoption of Business, General (B-2) zoning will be required;(3) Indicate whether existing municipal indebtedness is to be assumed by the territory annexed; and, (4) Indicate whether a "right-of-first refusal" for acquisition of irrigation and/or water rights will be required.

CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY

Recommended Motion: I move that the City of Selah Council accept the "Notice of Intent to Annex" petitions, establish the proposed annexation boundary as identified in Exhibit "A", require adoption of simultaneous zoning of Business, General, require the annex territory to assume the city's municipal indebtedness, and require a "right-of-first refusal" for acquisition on irrigation and/or water rights as part of the McLain annexation.

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:
1/14/2020	Resolution setting the date for council annexation initiation hearing/meeting.

NOTICE OF INTENT TO COMMENCE ANNEXATION PROCEEDINGS

TO: City of Selah City Council
115 West Naches Avenue
Selah, Washington 98942

The Honorable City Mayor and City Council members:

I/We the undersigned, as owners of not less than 10% in value according to the assessed valuation for general taxation of the parcels of property for which annexation is sought, hereby give notice of our desire to commence annexation proceedings to the City of Selah. A vicinity map of the proposed annexation area is attached as Exhibit "A".

It is requested that the City Council set a date (not less than 60 days after the filing of this request) for a public meeting with the initiating parties to determine:

(1) Whether the City will accept, reject or geographically modify the proposed annexation;
(2) Whether the City will require the simultaneous adoption of a proposed zoning regulation;
(3) Whether the City will require the assumption of all or any portion of existing City indebtedness by the area to be annexed; and,.
(4) If a "right of first refusal" for purchase of irrigation and/or domestic water rights will be required

The decision of the Council whether to "accept" the proposed annexation is entirely within the Council's discretion. By accepting the proposed annexation, the Council is not committing itself to ultimately annexing the territory proposed when a sufficient petition is presented to it. The decision to accept merely allows the annexation to go forward procedurally.

- -

Owners Signature *(Husband & Wife if married)*:

Jackie McLain Deborah S McLain

Printed Name: Jackie McLain Deborah McLain

Date Signed: 12/19/19

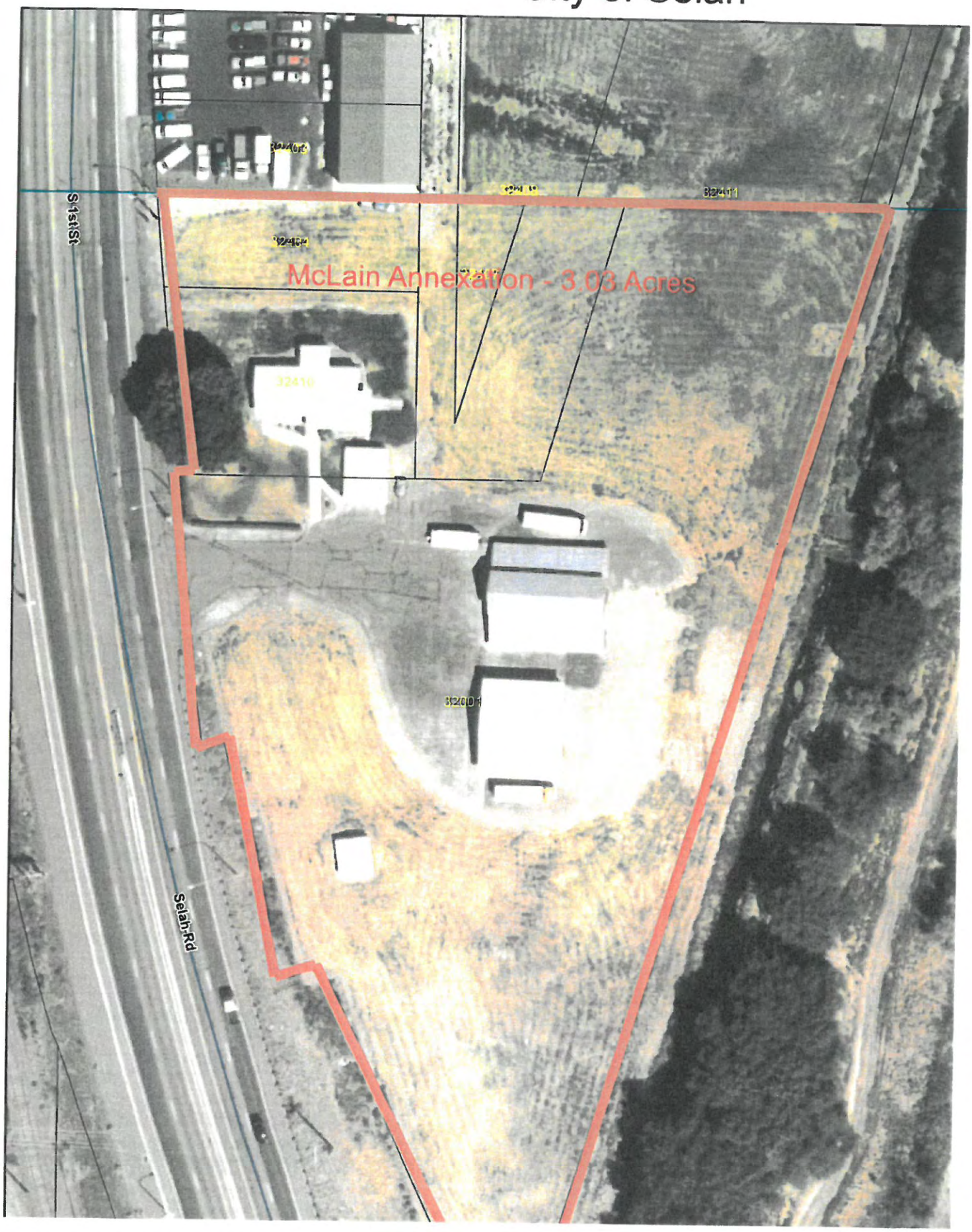
Mailing Address: 703 S FIRST STREET SELAH, WA 98942

Representing Tax Parcel Numbers: 181301-32001, 32410, 32404, 32407

WARNING: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Exhibit "A"

City of Selah



CITY OF SELAH
AFFIDAVIT OF POSTING

STATE OF WASHINGTON) MCLAIN ANNEXATION
COUNTY OF YAKIMA)

I, Jeff Peters, being first duly sworn on oath disposes and says:

I am an employee of the City of Selah, 113 West Naches Avenue, Selah, Washington; that on the 17th day of January, 2020, I caused to be posted on, or adjacent to, the property proposed for annexation a minimum of three notices at three separate locations clearly visible to the general public, a true and correct copy of **NOTICE OF PUBLIC HEARING** (attachment A).

Said locations of posting being:

1. City of Selah Public Works, 222 S. Rushmore Road, Selah WA 98942.
2. City of Selah City Hall 115 W. Naches Avenue, Selah, WA 98942.
3. Approximate center of the subject annexation property.
4. City of Selah Civic Center 216 S 1st St, Selah, WA 98942.

Jeff F. Peters
Jeff Peters, Community Development Supervisor

STATE OF WASHINGTON)
) ss.
County of Yakima)

On this day personally appeared before me Jeff Peters to me known to be the individual referenced herein and who caused to be posted the notices of annexation.

GIVEN under my hand and official seal this 17th day of January, 2020.

Caprise Groo
Caprise Groo
Notary Public in and for the State of Washington, residing at Yakima, WA. My term expires the 1st day of June, 2021.

CAPRISE GROO
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JUNE 1, 2021

DATE: January 17, 2020
TO: Simon Sizer – Yakima Herald Republic
FROM: Jeff Peters, Community Development Supervisor
SUBJECT: Notice of Public Hearing
PUBLICATION DATE: Saturday, January 18, 2020

CITY OF SELAH NOTICE OF PUBLIC HEARING

PROPOSED MCLAIN ANNEXATION

NOTICE IS HEREBY GIVEN BY THE CITY OF SELAH, WASHINGTON, THAT THE SELAH CITY COUNCIL WILL CONDUCT A PUBLIC HEARING ON TUESDAY, JANUARY 28TH, 2020, COMMENCING AT 5:30 P.M., OR AS SOON THEREAFTER AS PRACTICAL, IN THE COUNCIL CHAMBERS, SELAH CITY HALL, 115 W. NACHES, SELAH, WA., ON THE PROPOSED "MCLAIN." ANNEXATION.

THE PROPOSED ANNEXATION IS 3.03 ACRES IN AREA AND IS GENERALLY LOCATED EAST OF SOUTH 1ST STREET, AND SOUTH OF ELEVENTH AVENUE.

ADDITIONAL INFORMATION AND ANNEXATION MAPS ARE AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS AT THE CITY OF SELAH PLANNING DEPARTMENT, 222 SOUTH RUSHMORE ROAD, SELAH, WA.

ALL PERSONS WISHING TO OFFER COMMENTS FOR OR AGAINST THE PROPOSED ANNEXATION ARE ENCOURAGED TO ATTEND. ALL WRITTEN COMMENTS RECEIVED PRIOR TO THE DAY OF THE PUBLIC HEARING WILL BE CONSIDERED IN THE CITY COUNCIL DELIBERATIONS.

IF YOU HAVE ANNEXATION OR PROCEDURAL QUESTIONS PLEASE FEEL FREE TO CONTACT JEFF PETERS, COMMUNITY DEVELOPMENT SUPERVISOR IN PERSON AT 222 SOUTH RUSHMORE ROAD, SELAH, WA OR BY PHONE AT (509) 698-7365, BY FAX AT (509) 698-7372 OR BY E-MAIL AT jeff.peters@selahwa.gov.

DATED THIS 17TH DAY OF JANUARY 2020.

JEFF PETERS, COMMUNITY DEVELOPMENT SUPERVISOR

YAKIMA HERALD-REPUBLIC
WE TELL YOUR STORIES YAKIMAHERALD.COM
El Sol de Yakima

-Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below.
Please confirm placement prior to deadline, by contacting your account rep at (509) 577-7740.

Date:	01/17/20
Account #:	110017
Company Name:	CITY OF SELAH
Contact:	Jan Farley,AP
Address:	115 W NACHES AVENUE SELAH, WA 98942
Telephone:	(509) 698-7327
Fax:	

Ad ID:	929227
Start:	01/18/20
Stop:	01/18/20
Total Cost:	$120.75
# of Inserts:	2
Lines:	69.0
Ad Class:	6021
Ad Class Name:	Public Legal Notices
Account Rep:	Simon Sizer
Phone #	(509) 577-7740
Email:	ssizer@yakimaherald.com

Run Dates:

Yakima Herald-Republic	01/18/20
YakimaHerald.com	01/18/20

Ad Proof

CITY OF SELAH NOTICE OF PUBLIC HEARING

PROPOSED MCLAIN ANNEXATION

NOTICE IS HEREBY GIVEN BY THE CITY OF SELAH, WASHINGTON, THAT THE SELAH CITY COUNCIL WILL CONDUCT A PUBLIC HEARING ON TUESDAY, JANUARY 28TH, 2020, COMMENCING AT 5:30 P.M., OR AS SOON THEREAFTER AS PRACTICAL, IN THE COUNCIL CHAMBERS, SELAH CITY HALL, 115 W. NACHES, SELAH, WA., ON THE PROPOSED "MCLAIN." ANNEXATION.

THE PROPOSED ANNEXATION IS 3.03 ACRES IN AREA AND IS GENERALLY LOCATED EAST OF SOUTH 1ST STREET, AND SOUTH OF ELEVENTH AVENUE.

ADDITIONAL INFORMATION AND ANNEXATION MAPS ARE AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS AT THE CITY OF SELAH PLANNING DEPARTMENT, 222 SOUTH RUSHMORE ROAD, SELAH, WA.

ALL PERSONS WISHING TO OFFER COMMENTS FOR OR AGAINST THE PROPOSED ANNEXATION ARE ENCOURAGED TO ATTEND. ALL WRITTEN COMMENTS RECEIVED PRIOR TO THE DAY OF THE PUBLIC HEARING WILL BE CONSIDERED IN THE CITY COUNCIL DELIBERATIONS.

IF YOU HAVE ANNEXATION OR PROCEDURAL QUESTIONS PLEASE FEEL FREE TO CONTACT JEFF PETERS, COMMUNITY DEVELOPMENT SUPERVISOR IN PERSON AT 222 SOUTH RUSHMORE ROAD, SELAH, WA OR BY PHONE AT (509) 698-7365, BY FAX AT (509) 698-7372 OR BY E-MAIL AT jeff.peters@selahwa.gov.

DATED THIS 17TH DAY OF JANUARY 2020.

JEFF PETERS, COMMUNITY DEVELOPMENT SUPERVISOR

(929227) January 18, 2020

CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY

Council Meeting	Action Item
1/28/2020	N – 1

Title: "Resolution Negating and Withdrawing Previous Resolution No. 2781, Replacing it with the Instant Resolution that Schedules February 11, 2020, as the Public Hearing Date for Consideration of the 'McLain Annexation'"

From: Jeff Peters, Community Development Supervisor

Action Requested: Approval

Staff Recommendation: Adopt the accompanying Resolution

Fiscal Impact: N/A

Funding Source: N/A

Background / Findings & Facts: The petitioners Jackie and Deborah McLain have requested that the Council commence an annexation proceeding with respect to approximately 3.03 acres of property located east of S. 1st St., and S. of Test Drive Lane, which is currently included within Yakima County Tax Parcel Numbers 181301-32001, 181301-32410, 181301-32404, and 181301-32407.Via prior Resolution No. 2781, the City mistakenly scheduled hearings in incorrect order, such that the required annexation hearing was incorrectly scheduled prior to the City Council initiation hearing. The purpose of the instant Resolution is to withdraw and negate said prior Resolution No. 2781, and to replace it with the instant Resolution which will correctly schedule the hearings.

Recommended Motion: Move to adopt the Resolution

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:
1/14/2020	Resolution Establishing January 28, 2020, as the date for a Public Hearing to Consider the Proposed "McLain" Annexation (File Number: Annex 2020-001)

RESOLUTION NO. _____

A RESOLUTION NEGATING AND WITHDRAWING PREVIOUS RESOLUTION NO. 2781, AND REPLACING IT WITH THE INSTANT RESOLUTION THAT SCHEDULES FEBRUARY 11, 2020, AS THE PUBLIC HEARING DATE FOR CONSIDERATION OF THE "MCLAIN ANNEXATION"

WHEREAS, the City of Selah received from Jackie and Deborah McLain, the owners of approximately 3.03 acres of property, a "Notice of Intent to Annexation Petition" that requests annexation of such property;

WHEREAS, the City of Selah, via previous Resolution No. 2781, mistakenly scheduled hearings in incorrect order, such that the required annexation hearing was incorrectly scheduled prior to the City Council initiation hearing;

WHEREAS, the City of Selah, via the instant Resolution, is correcting the prior mistake by negating and withdrawing said previous Resolution No. 2781 and replacing it with the instant Resolution which will correctly schedule the hearings;

WHEREAS, the City Council has not expanded the proposed annexation area beyond the 3.03 acres of property that are owned by Jackie and Deborah McLain;

WHEREAS, the Yakima County Treasurer has certified that signed and returned "McLain Petitions for Annexation" represent not less than 60% of the total assessed value of the area petitioned for annexation; and

WHEREAS, RCW 35A.14.130 requires the City by resolution fix a time, place and date of a public hearing when the proposed annexation will be considered and determined by the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, as follows:

> February 11, 2020, at 5:30 p.m., or as soon thereafter as practical, in the Council Chambers, City Hall Bldg., 115 W. Naches Avenue, Selah, WA., is established as the (rescheduled) date, time and place of the public hearing for the City to consider said "McLain Annexation" and make a determination thereon, and that notice of said public hearing shall be provided as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, THIS 28th DAY OF JANUARY, 2020.

_____
Sherry Raymond, Mayor

ATTEST:

_____
Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

_____
Rob Case, City Attorney

RESOLUTION NO. _____

CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY

Council Meeting	Action Item
1/28/2020	N – 2

Title: Resolution authorizing the Mayor to sign a Fuel Tax Grant Distribution Agreement with the Washington State Transportation Improvement Board (TIB) for the TIB West Goodlander Road Sidewalk Improvement project number P-E-182(P01)-1

From: Joe Henne, Public Works Director

Action Requested: Approval

Staff Recommendation:

To approve the Grant Agreement between the City of Selah & the Washington State Transportation Improvement Board

Fiscal Impact: $207,080.00

Funding Source: $186,372.00 by TIB & $20,708.00 City Street Fund 111

Background / Findings & Facts: Public Works applied for Sidewalk Funding and was selected by TIB for sidewalk construction on West Goodlander Road. The total project cost is estimated at $207,080.00. TIB will fund $186,372.00 and the City match is $20,708.00. The Selah School District has agreed to reimburse the City for the match which will result in no out of pocket cost to the City for this project.

Recommended Motion: Authorize the Mayor to sign a Fuel Tax Grant Distribution Agreement with the Washington State Transportation Improvement Board (TIB) for the TIB West Goodlander Road Sidewalk Improvement project number P-E-182(P01)-1

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:
8/15/2019	Transportation Improvement Board 2019 Sidewalk Improvement Funding Application

RESOLUTION NO. _____

Resolution authorizing the Mayor to sign a Fuel Tax Grant Distribution Agreement with the Washington State Transportation Improvement Board (TIB) for the TIB West Goodlander Road Sidewalk Improvement project number P-E-182 (P01)-1

WHEREAS, the City of Selah wishes to sign a Fuel Tax Grant Distribution Agreement with the Washington State Transportation Improvement Board for the TIB West Goodlander Road Sidewalk Improvement project number P-E-182(P01)-1, and

WHEREAS, the City of Selah wishes to complete two sidewalk gaps and install compliant ADA sidewalk ramps on a major transportation corridor, and

WHEREAS, a grant application was made to TIB for $186,372.00 which was approved, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor be authorized to sign the Washington State Transportation Improvement Board Fuel Tax Grant Agreement for the TIB West Goodlander Sidewalk Improvement project number P-E-182(P01)-1.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28th day of January, 2020.

_____
Sherry Raymond Mayor

ATTEST:

_____
Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

_____
Rob Case, City Attorney

Washington State
Transportation Improvement Board

TIB Members

Chair
Mayor Glenn Johnson
City of Pullman

Vice Chair
Commissioner Richard Stevens
Grant County

Amy Asher
RiverCities Transit

Alyssa Ball
Office of Financial Management

Aaron Butters, P.E.
HW Lochner Inc.

Barbara Chamberlain
WSDOT

Elizabeth Chamberlain
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Mike Dahlem P.E.
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John Klekotka, P.E.
Port of Everett

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John Koster
County Road Administration Board

Colleen Kuhn
Human Services Council

Mark Kulaas
Douglas County

Mayor Ron Lucas
Town of Steilacoom

Mick Matheson, P.E.
City of Mukilteo

David Ramsay
Feet First

Steve Roark, P.E.
WSDOT

Councilmember Mike Todd
City of Mill Creek

Jennifer Walker
Thurston County

Ashley Probart
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
Fax: 360-586-1165
www.tib.wa.gov

November 22, 2019

DEC - 4 2019
CITY OF SELAH
PUBLIC WORKS

Mr. Joe Henne
Public Works Director
City of Selah
222 South Rushmore Rd
Selah, WA 98942

Joe

Dear Mr. Henne:

Congratulations! We are pleased to announce the selection of your project, W Goodlander Road, Terry Ln to N 1st St, TIB project number P-E-182(P01)-1.

Total TIB funds for this project are $186,372.

Before any work is allowed on this project, you must:

- Verify the information on the Project Funding Status Form, revise if necessary, and sign;
- Submit the section of your adopted Six Year Transportation Improvement Plan listing this project;
- Sign both copies of the Fuel Tax Grant Distribution Agreement; and
- Return the above items to TIB;

You may only incur reimbursable expenses after you receive approval from TIB.

In accordance with RCW 47.26.084, you must certify full funding by November 22, 2020 or the grant may be terminated. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

If you have questions, please contact Christa Draggie, TIB Project Engineer, at (360) 586-1147 or e-mail ChristaD@TIB.wa.gov.

Sincerely,

Ashley Probart

Ashley Probart
Executive Director

Enclosures

Transportation Improvement Board

Project Funding Status Form

Agency Name **SELAH**
Project Name: **W Goodlander Road**
Terry Ln to N 1st St

TIB Project Number: **P-E-182(P01)-1**

Verify the information below and revise if necessary.
Return to: Transportation Improvement Board • PO Box 40901 • Olympia, WA 98504-0901

PROJECT SCHEDULE

Target Dates		
Construction Approval	**Contract Bid Award**	**Contract Completion**

PROJECT FUNDING PARTNERS

List additional funding partners and amount.

Funding Partners	Amount	Revised Funding
SELAH	20,708	
WSDOT	0	
Federal Funds	0	
TOTAL LOCAL FUNDS	**20,708**	

Signatures are required from two different agency officials. Return the originally signed form to the TIB office.

Mayor or Public Works Director

Signature _____ Date _____

Printed or Typed Name _____ Title _____

Financial Officer

Signature _____ Date _____

Printed or Typed Name _____ Title _____

City of Selah
P-E-182(P01)-1
W Goodlander Road
Terry Ln to N 1st St

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of Selah
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the W Goodlander Road, Terry Ln to N 1st St (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Selah, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

TIB hereby grants funds in the amount of $186,372 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT's Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT's submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

a) Project Funding Status Form
b) Bid Authorization Form with plans and engineers estimate
c) Award Updated Cost Estimate
d) Bid Tabulations
e) Contract Completion Updated Cost Estimate with final summary of quantities
f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable

amounts are greater than $50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.

b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.

c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.

d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:

a) RECIPIENT is not making reasonable progress toward correction and compliance.
b) TIB denies the RECIPIENT's request to amend the Project.
c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.

b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.

c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060. If an increase is denied, the recipient shall be liable for costs incurred in excess of the grant amount. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the original ratio between TIB funds and total project costs.

12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.

b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.

c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.

d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.

e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.

15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency	Transportation Improvement Board
Chief Executive Officer Date	Executive Director Date
Print Name	Print Name

CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY

Council Meeting	Action Item
1/28/2020	N – 3

Title: Resolution authorizing the Mayor to sign Task Order No. 2020-01 between the City of Selah and HLA Engineering and Land Surveying, Inc.to provide Engineering Services for the TIB 2019 Sidewalk Program for West Goodlander Road Improvement.

From: Joe Henne, Public Works Director

Action Requested: Approval

Staff Recommendation: Staff is requesting that the City Council authorize the Mayor to sign Task Order No. 2020-01 between the City of Selah and HLA Engineering and Land Surveying Inc. Staff desires to engage HLA to provide professional engineering services for design and construction of the West Goodlander Road Sidewalk Improvement project.

Fiscal Impact: $47,780.00

Funding Source: City Street Fund 111

Background / Findings & Facts: Public Works applied for Sidewalk Funding and was selected by TIB for sidewalk construction on West Goodlander Road. The total project cost is estimated at $207,080.00. TIB will fund $186,372.00 and the City match is $20,708.00. This Task Order will provide engineering services for the design and construction and is for $47,780.00. The Selah School District has agreed to reimbursement the City match of $20,708.00 resulting in no out of pocket cost to the City for this project.

Recommended Motion: Move to approve Task Order No. 2020-01 for the TIB West Goodlander Road Sidewalk Improvement project number P-E-182(P01)-1

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:
8/15/2019	Transportation Improvement Board 2019 Sidewalk Improvement Funding Application

RESOLUTION NO. _____

Resolution authorizing the Mayor to sign Task Order No. 2020-01 between the City of Selah and HLA Engineering and Land Surveying Inc. to provide Engineering Design Services for the TIB West Goodlander Road Sidewalk Improvement, project number P-E-182(P01)-1

WHEREAS, the City of Selah has received funding from the Washington State Transportation Improvement Board for the TIB West Goodlander Road Sidewalk Improvement project number P-E-182(P01)-1, and

WHEREAS, the City of Selah wishes to complete two sidewalk gaps and install compliant ADA sidewalk ramps on a major transportation corridor, 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 for the Engineering Design services for the West Goodlander Improvement Project; and

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.2020-01 between the City of Selah and HLA Engineering and Land Surveying to provide Engineering Design Services for the TIB West Goodlander Sidewalk Improvement project number P-E-182(P01)-1.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28th day of January, 2020.

_____
Sherry Raymond Mayor

ATTEST:

_____
Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

_____
Rob Case, City Attorney

TASK ORDER NO. 2020-01

REGARDING GENERAL AGREEMENT BETWEEN CITY OF SELAH

AND

HLA ENGINEERING AND LAND SURVEYING, INC. (HLA)

PROJECT DESCRIPTION:

West Goodlander Road Sidewalk Improvements
HLA Project No. 20026E
TIB Project No. P-E-182 (P01)-1

The City of Selah (CITY) has received funding from the Washington State Transportation Improvement Board (TIB) for sidewalk improvements to West Goodlander Road, including ADA ramp improvements. The CITY would like to construct approximately 480 linear feet of missing sidewalk along West Goodlander Road. Sidewalk improvements will coincide with the West Goodlander Road Improvements project and will be bid and constructed under one contract.

Engineering design work will begin immediately following Task Order approval. Construction is anticipated to occur in 2020.

SCOPE OF SERVICES:

At the direction of the CITY, HLA will provide professional engineering services for the West Goodlander Road Sidewalk Improvements (PROJECT). HLA shall provide a comprehensive civil engineering construction document package (plans, specifications, and estimate) to consist of constructing curb, gutter, sidewalk, and retaining walls. Services will also include advertising and bidding, recommendation of contract award to the lowest responsible bidder, and engineering services during construction.

HLA shall provide the following services:

1.0 Design Engineering

1.1 Call for utility locates prior to survey and perform topographic survey of the PROJECT area.

1.2 Prepare site topographic survey in AutoCAD format showing field-located improvements and utilities.

1.3 Attend one (1) design meeting with the CITY to obtain input regarding existing and proposed improvements.

1.4 Prepare complete plan set, including plan sheets with construction notes and plan details.

1.5 Prepare final construction cost estimate.

1.6 Prepare final PROJECT specifications.

1.7 Submit final documents to the CITY for review and approval.

1.8 Transmit plans to dry utility companies, including power, cable, natural gas, and telephone to advise them of pending construction.

1.9 Incorporate CITY review comments and provide final construction documents for bidding approval.

1.10 Submit final documents to TIB for review and bid authorization.

1.11 Prepare advertisement for bids and transmit to newspapers as selected by the CITY. Advertising fees to be paid by the CITY.

1.12 Provide contract documents to potential bidders, as requested, and maintain plan holders list.

1.13 Prepare any required addenda to contract documents.

1.14 Answer questions during bidding from prospective bidders.

1.15 Attend PROJECT bid opening, check and tabulate bids, and make recommendation of award to lowest responsible bidder.

1.16 Submit bid tabulation to TIB and prepare Updated Cost Estimate (UCE).

2.0 Construction Engineering

2.1 Following award of the Contract by the CITY, prepare Notice of Award to the Contractor.

2.2 Assist in reviewing bond and insurance and prepare contracts.

2.3 Coordinate and conduct preconstruction conference followed by issuance of Notice to Proceed.

2.4 Furnish the field survey crew to set horizontal and vertical control for the PROJECT.

2.5 Provide staking for construction, including structures, curb and gutter, sidewalk, and subgrade elevations.

2.6 Provide submittal review for PROJECT materials as provided by the Contractor per the PROJECT specifications.

2.7 Attend construction meetings anticipated once per week during the duration of the improvements.

2.8 Furnish a qualified resident engineer (inspector) to observe construction and be at the PROJECT site during all significant. The resident engineer shall provide surveillance of construction for substantial compliance with plans and specifications.

2.9 Prepare construction progress reports for days the resident engineer is present.

2.10 Recommend progress payments for the Contractor to the CITY.

2.11 Prepare and submit proposed contract change orders when applicable.

2.12 Conduct final inspection and prepare punchlist of items to be corrected and provide to the CITY.

2.13 Prepare record drawings of civil-related improvements based on the Contractor's as-built plans.

2.14 Prepare administrative documents for the appropriate agencies which have jurisdiction over funding, design, and construction of the PROJECT.

2.15 Monitor Contractor's compliance with the Contract documents for labor standards and review Statements of Intent to pay Prevailing Wages and Affidavits of Wages Paid.

3.0 Additional Services

Provide professional engineering and land surveying services for additional work requested by the CITY that is not included above.

4.0 Items to be Furnished and Responsibility of CITY

4.1 Provide full information as to CITY requirements of the PROJECT.

4.2 Pay for PROJECT advertising, notices or other publication as may be required by the funding source.

4.3 Assist HLA by providing all available information pertinent to the PROJECT, including previous reports, drawings, plats, surveys, utility records, and any other data relative to design and construction of the PROJECT.

4.4 Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by HLA, and provide written decisions within a reasonable time as not to delay the work of HLA.

4.5 Obtain approval of all governmental authorities having jurisdiction over the PROJECT, and approvals and consents from other individuals or bodies as necessary for completion. Pay all review fees and costs associated with obtaining such approvals.

TIME OF PERFORMANCE:

Following receipt of signed Task Order, HLA will diligently pursue completion of the PROJECT with the following schedule anticipated:

1.0 Design Engineering

Completion of plans, specifications, opinion of cost, and bidding services within fifty (50) working days following receipt of signed Task Order.

2.0 Construction Engineering

It is estimated construction of improvements will be completed within fifteen (15) working days following award of the contract and Notice to Proceed.

3.0 Additional Services

Time for completion of work directed by the CITY under Additional Services shall be negotiated and mutually agreed upon at the time of service request by the CITY.

FEE FOR SERVICE:

1.0 Design Engineering

All work for Design Engineering Services shall be performed for the Lump Sum fee of $23,890.00.

2.0 Construction Engineering

Engineering Services During Construction shall be completed on an hourly basis, at normal hourly billing rates, for the estimated maximum fee of $23,890.00. If the Contractor is granted additional working days beyond those identified in the Time of Performance, then work shall be considered Additional Services.

3.0 Additional Services

Any additional work requested by the CITY that is not included in other Phases shall be authorized by the CITY and agreed upon by HLA in writing prior to proceeding with the services. HLA will perform the additional services as directed/authorized by the CITY on a time-spent basis at the hourly billing rates included in our General Agreement, plus reimbursement for direct non-salary expenses such as laboratory testing, printing expenses, vehicle mileage, out-of-town travel costs, and outside consultants.

Proposed: _____ 12/31/2019

HLA Engineering and Land Surveying, Inc. — Date
Michael T. Battle, PE, President

Approved: _____ _____

City of Selah — Date
Sherry Raymond, Mayor

CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY

Council Meeting	Action Item
1/28/2020	N – 4

Title: Resolution authorizing the Mayor to sign a Fuel Tax Grant Distribution Agreement with the Washington State Transportation Improvement Board (TIB) for the FY 2021 Overlay Project, Multiple Locations, TIB project number 3-E-182(005)-1

From: Joe Henne, Public Works Director

Action Requested: Approval

Staff Recommendation: To approve the Grant Agreement between the City of Selah & the Washington State Transportation Improvement Board

Fiscal Impact: $249,400.00

Funding Source: $224,460 by TIB & $24,940 City Street Fund 111

Background / Findings & Facts: Public Works applied to TIB and was selected for pavement preservation funding from TIB to overlay West Goodlander Road from 150 feet west of Selah Loop Road to Lander Road. Total project cost for the overlay is $249,400.00 of which TIB will fund $224,460.00 and the City's portion will be $24,940.00. Another part of this project is to widen the road surface from 20 feet to 24 feet (two 12' travel lanes). This is estimated at $123,600.00 and will be entirely funded by the City. This in addition to the Cities $24,940.00 in matching funds for TIB grant.

Recommended Motion: Authorize the Mayor to sign a Fuel Tax Grant Distribution Agreement with the Washington State Transportation Improvement Board (TIB) for the FY 2021 overlay Project, Multiple Locations, TIB project number 3-E-182(005)-1

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:
8/15/2019	Transportation Improvement Board 2019 Funding Application

RESOLUTION NO. _____

Resolution authorizing the Mayor to sign a Fuel Tax Grant Distribution Agreement with the Washington State Transportation Improvement Board (TIB) for the FY 2021 Overlay Project, Multiple Locations, TIB project number 3-E-182(005)-1

WHEREAS, the City of Selah wishes to sign a Fuel Tax Grant Distribution Agreement (FY 2021 Overlay Project, Multiple Locations, TIB project number 3-E-182(005)-1) with the Washington State Transportation Improvement Board, and

WHEREAS, the City of Selah wishes to plane, crack seal and overlay West Goodlander Road from approximately 150 west of Selah Loop Road to approximately Landers Road, and

WHEREAS, a grant application was made to TIB for $224,460.00 which was approved, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor be authorized to sign the Washington State Transportation Improvement Board Fuel Tax Grant Distribution Agreement for the FY 2021 Overlay Project, Multiple Locations, TIB project number 3-E-182(005)-1.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28th day of January, 2020.

_____
Sherry Raymond Mayor

ATTEST:

_____
Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

_____
Rob Case, City Attorney

Washington State
Transportation Improvement Board

TIB Members

Chair
Mayor Glenn Johnson
City of Pullman

Vice Chair
Commissioner Richard Stevens
Grant County

Amy Asher
RiverCities Transit

Alyssa Ball
Office of Financial Management

Aaron Butters, P.E.
HW Lochner Inc.

Barbara Chamberlain
WSDOT

Elizabeth Chamberlain
City of Walla Walla

Mike Dahlem P.E.
City of Sumner

Sue Dreier
Pierce Transit

John Klekotka, P.E.
Port of Everett

Commissioner Robert Koch
Franklin County

John Koster
County Road Administration Board

Colleen Kuhn
Human Services Council

Mark Kulaas
Douglas County

Mayor Ron Lucas
Town of Steilacoom

Mick Matheson, P.E.
City of Mukilteo

David Ramsay
Feet First

Steve Roark, P.E.
WSDOT

Councilmember Mike Todd
City of Mill Creek

Jennifer Walker
Thurston County

Ashley Probart
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
Fax: 360-586-1165
www.tib.wa.gov

November 22, 2019

DEC - 4 2019
CITY OF SELAH
PUBLIC WORKS

Mr. Joe Henne
Public Works Director
City of Selah
222 South Rushmore Rd
Selah, WA 98942

Dear Mr. ~~Henne~~ Joe:

Congratulations! We are pleased to announce the selection of your project, FY 2021 Overlay Project, Multiple Locations, TIB project number 3-E-182(005)-1.

Total TIB funds for this project are $224,460.

Before any work is allowed on this project, you must:

- Verify the information on the Project Funding Status Form, revise if necessary, and sign;
- Sign both copies of the Fuel Tax Grant Distribution Agreement; and
- Return the above items to TIB;

You may only incur reimbursable expenses after you receive approval from TIB.

In accordance with RCW 47.26.084, you must certify full funding by November 22, 2020 or the grant may be terminated. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

If you have questions, please contact Christa Draggie, TIB Project Engineer, at (360) 586-1147 or e-mail ChristaD@TIB.wa.gov.

Sincerely,

Ashley Probart
Executive Director

Enclosures

Transportation Improvement Board

Project Funding Status Form

Agency Name **SELAH**
Project Name: **FY 2021 Overlay Project Multiple Locations**

TIB Project Number: **3-E-182(005)-1**

Verify the information below and revise if necessary.
Return to: Transportation Improvement Board • PO Box 40901 • Olympia, WA 98504-0901

PROJECT SCHEDULE

Target Dates		
Construction Approval	**Contract Bid Award**	**Contract Completion**

PROJECT FUNDING PARTNERS

List additional funding partners and amount.

Funding Partners	Amount	Revised Funding
SELAH	24,940	
WSDOT	0	
Federal Funds	0	
TOTAL LOCAL FUNDS	**24,940**	

Signatures are required from two different agency officials. Return the originally signed form to the TIB office.

Mayor or Public Works Director

Signature _____ Date _____

Printed or Typed Name _____ Title _____

Financial Officer

Signature _____ Date _____

Printed or Typed Name _____ Title _____

City of Selah
3-E-182(005)-1
FY 2021 Overlay Project
Multiple Locations

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of Selah
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the FY 2021 Overlay Project, Multiple Locations (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Selah, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

TIB hereby grants funds in the amount of $224,460 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT's Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT's submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

a) Project Funding Status Form
b) Bid Authorization Form with plans and engineers estimate
c) Award Updated Cost Estimate
d) Bid Tabulations
e) Contract Completion Updated Cost Estimate with final summary of quantities
f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable

amounts are greater than $50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.

b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.

c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.

d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:

a) RECIPIENT is not making reasonable progress toward correction and compliance.
b) TIB denies the RECIPIENT's request to amend the Project.
c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.

b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.

c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060. If an increase is denied, the recipient shall be liable for costs incurred in excess of the grant amount. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the original ratio between TIB funds and total project costs.

12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.

b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.

c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.

d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.

e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.

15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency		Transportation Improvement Board	
Chief Executive Officer	Date	Executive Director	Date
Print Name		Print Name	

Arterial Preservation Program (APP)

Approved Segment Listing

FY 2021 Overlay Program

SELAH

Street	Termini	Pavement Length	Pavement Width
West Goodlander Road	Approx 150 ft West of Selah	**3,500 feet**	**30 feet**

CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY

Council Meeting	Action Item
1/28/2020	N - 5

Title: Resolution authorizing the Mayor to sign Task Order No. 2020-02 Between the City of Selah and HLA Engineering and Land Surveying Inc. to provide engineering services for the West Goodlander Road Improvements, TIB project number 3-E-182 (005)-1

From: Joe Henne, Public Works Director

Action Requested: Approval

Staff Recommendation: Staff is requesting that the City Council authorize the Mayor to sign Task Order No. 2020-02 between the City of Selah and HLA Engineering and Land Surveying Inc. Staff desires to engage HLA to provide professional engineering services for the West Goodlander Road Improvement project.

Fiscal Impact: $86,000.00

Funding Source: City Street Fund 111

Background/ Findings & Facts: Public Works applied to TIB and was selected for pavement preservation funding from TIB to overlay West Goodlander Road from 150 feet west of Selah Loop Road to Lander Road. Total project cost for the overlay is $249,400.00 of which TIB will fund $224,460.00 and the City's match will be $24,940.00. Another part of this project is to widen the road surface from 20 feet to 24 foot (two 12' travel lanes). This is estimated at $123,600.00 and will be entirely funded by the City in addition to the Cities $24,940.00 match to TIB. This Task Order will provide the engineering services for the entire project.

Recommended Motion: Move to approve Task Order No. 2020-02

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:
8/15/2019	Transportation Improvement Board 2019 Funding Application

RESOLUTION NO. _____

Resolution authorizing the Mayor to sign Task Order No. 2020-02 Between the City of Selah and HLA Engineering and Land Surveying Inc. to provide engineering design services for the West Goodlander Road Improvements, TIB project number 3-E-182(005)-1

WHEREAS, the City of Selah has received funding from the Washington State Transportation Improvement Board for FY 2021 Overlay Project, Multiple Locations, TIB project number 3-E-182(005)-1), and

WHEREAS, the City of Selah would like to widen and resurface approximately 3500 linear feet of West Goodlander Road, 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 for the Engineering Design services for the West Goodlander Improvement Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor be authorized to sign Task Order 2020-02 between the City of Selah and HLA engineering and Land Surveying to provide Engineering Design Services for the West Goodlander Road Improvement Project, TIB project number 3-E-182(005)-1.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28th day of January, 2020.

_____
Sherry Raymond Mayor

ATTEST:

_____
Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

_____
Rob Case, City Attorney

TASK ORDER NO. 2020-02

REGARDING GENERAL AGREEMENT BETWEEN CITY OF SELAH

AND

HLA ENGINEERING AND LAND SURVEYING, INC. (HLA)

PROJECT DESCRIPTION:

West Goodlander Road Improvements
HLA Project No. 20027E
TIB Project No. 3-E-182 (005)-1

The City of Selah (CITY) has received funding from the Washington State Transportation Improvement Board (TIB) for roadway improvements to West Goodlander Road. The CITY would like to widen and resurface approximately 3,500 linear feet of West Goodlander Road. The roadway improvements will coincide with the West Goodlander Road Sidewalk Improvements project and will be bid and constructed under one contract.

Engineering design work will begin immediately following Task Order approval. Construction is anticipated to occur in 2020.

SCOPE OF SERVICES:

At the direction of the CITY, HLA will provide professional engineering services for the West Goodlander Road Improvements (PROJECT). HLA shall provide a comprehensive civil engineering construction document package (plans, specifications, and estimate) to consist of roadway widening, planing existing asphalt surface, crack sealing, and resurfacing with hot mix asphalt. Services will also include advertising and bidding, recommendation of contract award to the lowest responsible bidder, and engineering services during construction.

HLA shall provide the following services:

1.0 Design Engineering

1.1 Call for utility locates prior to survey and perform topographic survey of the PROJECT area.

1.2 Prepare site topographic survey in AutoCAD format showing field-located improvements and utilities.

1.3 Attend one (1) design meeting with the CITY to obtain input regarding existing and proposed improvements.

1.4 Prepare complete plan set, including plan sheets with construction notes and plan details.

1.5 Prepare final construction cost estimate.

1.6 Prepare final PROJECT specifications.

1.7 Submit final documents to the CITY for review and approval.

1.8 Transmit plans to dry utility companies, including power, cable, natural gas, and telephone to advise them of pending construction.

1.9 Incorporate CITY review comments and provide final construction documents for bidding approval.

1.10 Submit final documents to TIB for review and bid authorization.

1.11 Prepare advertisement for bids and transmit to newspapers as selected by the CITY. Advertising fees to be paid by the CITY.

1.12 Provide contract documents to potential bidders, as requested, and maintain planholder list.

1.13 Prepare any required addenda to contract documents.

1.14 Answer questions during bidding from prospective bidders.

1.15 Attend PROJECT bid opening, check and tabulate bids, and make recommendation of award to lowest responsible bidder.

1.16 Submit bid tabulation to TIB and prepare Updated Cost Estimate (UCE).

2.0 Construction Engineering

2.1 Following award of the Contract by the CITY, prepare Notice of Award to the Contractor.

2.2 Assist in reviewing bond and insurance and prepare contracts.

2.3 Coordinate and conduct preconstruction conference followed by issuance of Notice to Proceed.

2.4 Furnish the field survey crew to set horizontal and vertical control for the PROJECT.

2.5 Provide staking for construction, including structures, curb and gutter, sidewalk, and subgrade elevations.

2.6 Provide submittal review for PROJECT materials as provided by the Contractor per the PROJECT specifications.

2.7 Attend construction meetings anticipated once per week during the duration of the improvements.

2.8 Furnish a qualified resident engineer (inspector) to observe construction and be at the PROJECT site during all significant work. The resident engineer shall provide surveillance of construction for substantial compliance with plans and specifications.

2.9 Prepare construction progress reports for days the resident engineer is present.

2.10 Recommend progress payments for the Contractor to the CITY.

2.11 Prepare and submit proposed contract change orders when applicable.

2.12 Conduct final inspection and prepare punchlist of items to be corrected and provide to the CITY.

2.13 Prepare record drawings of civil-related improvements based on the Contractor's as-built plans.

2.14 Prepare administrative documents for the appropriate agencies which have jurisdiction over funding, design, and construction of the PROJECT.

2.15 Monitor Contractor's compliance with the Contract documents for labor standards and review Statements of Intent to pay Prevailing Wages and Affidavits of Wages Paid.

3.0 Additional Services

Provide professional engineering and land surveying services for additional work requested by the CITY that is not included above.

4.0 Items to be Furnished and Responsibility of CITY

4.1 Provide full information as to CITY requirements of the PROJECT.

4.2 Pay for PROJECT advertising, notices or other publication as may be required by the funding source.

4.3 Assist HLA by providing all available information pertinent to the PROJECT, including previous reports, drawings, plats, surveys, utility records, and any other data relative to design and construction of the PROJECT.

4.4 Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by HLA, and provide written decisions within a reasonable time as not to delay the work of HLA.

4.5 Obtain approval of all governmental authorities having jurisdiction over the PROJECT, and approvals and consents from other individuals or bodies as necessary for completion. Pay all review fees and costs associated with obtaining such approvals.

TIME OF PERFORMANCE:

Following authorization to proceed, HLA will diligently pursue completion of the PROJECT with the following schedule anticipated:

1.0 Design Engineering

Completion of plans, specifications, opinion of cost, and bidding services within fifty (50) working days following receipt of signed Task Order.

2.0 Construction Engineering

It is estimated construction of improvements will be completed within fifteen (15) working days following award of the contract and Notice to Proceed.

3.0 Additional Services

Time for completion of work directed by the CITY under Additional Services shall be negotiated and mutually agreed upon at the time of service request by the CITY.

FEE FOR SERVICE:

1.0 Design Engineering

All work for Design Engineering services shall be performed for the Lump Sum fee of $43,000.00.

A funding breakdown for the Design Engineering services is as follows:

W. Goodlander Road Improvements	TIB	City	Total
Resurfacing	$25,830	$2,870	$28,700
Widening	$0	$14,300	$14,300
Design Engineering Total	$25,830	$17,170	$43,000

2.0 Construction Engineering

All work for Construction Engineering services shall be completed on an hourly basis, at normal hourly billing rates, for the estimated maximum fee of $43,000.00. If the Contractor is granted additional working days beyond those identified in the Time of Performance, then work shall be considered Additional Services.

A funding breakdown for the Construction Engineering services is as follows:

W. Goodlander Road Improvements	TIB	City	Total
Resurfacing	$25,830	$2,870	$28,700
Widening	$0	$14,300	$14,300
Construction Engineering Total	$25,830	$17,170	$43,000

3.0 Additional Services

Any additional work requested by the CITY that is not included in other Phases shall be authorized by the CITY and agreed upon by HLA in writing prior to proceeding with the services. HLA will perform the additional services as directed/authorized by the CITY on a time-spent basis at the hourly billing rates included in our General Agreement, plus reimbursement for direct non-salary expenses such as laboratory testing, printing expenses, vehicle mileage, out-of-town travel costs, and outside consultants.

Proposed: _____ 1/15/2020

HLA Engineering and Land Surveying, Inc. Date
Michael T. Battle, PE, President

Approved: _____ _____

City of Selah Date
Sherry Raymond, Mayor

CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY

Council Meeting	Action Item
1/28/2020	O – 1

Title: Ordinance Amending the 2020 Budget for Miscellaneous Adjustments

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Approval

Staff Recommendation:

Approve Ordinance.

Board/Commission Recommendation: Not Applicable

Fiscal Impact: Estimated Ending Fund Balances will increase by $ 1,317,165.

Funding Source: Fund 001 General $ 263,348, Fund 103 Fire Control $ 219,222, Fund 110 City Street $ 12,371, Fund 115 Local Access St. Improv $ 73,484, Fund 118 Civic Center $ 15,184, Fund 119 Transit $ 121,950, Fund 121 Tourism $ 20,153, Fund 150 Fire Equipment Res $ 38,787, Fund 170 CE Equipment Res $ 117,355, Fund 181 Crime Prevention Accum Reserve ($ 733), Fund 301 Capital Improvement $ 11,996, Fund 303 Fire Control Building Reserve $ (4,876), Fund 310 CE Bldg/Property Reserve ($ 16,454), Fund 415 Sewer $ 200,433, and Fund 465 Sewer Reserve $ 244,945.

Background / Findings & Facts: To amend the 2020 budget for the estimated amount of cash and investments (fund balance) carried over from 2019.

Recommended Motion: I move to approve an Ordinance amending the 2020 budget for miscellaneous adjustments to beginning cash and investment balances.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2020 BUDGET FOR MISCELLANEOUS ADJUSTMENTS

WHEREAS, the City desires to approve miscellaneous adjustments to the 2020 Budget;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2020 Budget as follows:

001 General

Non-Departmental			
001.000.098.308.80.00.00	New Beginning Unreserved Cash & Investments	$	697,950
001.000.098.308.10.00.00	New Beginning Reserved C & I – Marudo Bonds		368,675
001.000.098.316.48.01.02	Bond Utility Tax		(10,037)
001.000.999.508.80.00.00	New Ending Unreserved Cash & Investments	$	708,636
103 Fire Control			
103.000.022.308.80.00.00	New Beginning Unreserved Cash & Investments	$	632,222
103.000.999.508.80.00.00	New Ending Unreserved Cash & Investments	$	679,244
110 City Street			
110.000.042.308.10.00.00	New Beginning Reserved Cash & Investments	$	185,371
110.000.999.508.10.00.00	New Ending Reserved Cash & Investments	$	219,337
115 Local Access St Improv.			
115.000.097.308.10.00.00	New Beginning Reserved Cash & Investments	$	201,036
115.000.008.508.10.00.00	New Ending Reserved Cash & Investments	$	217,967
118 Civic Center			
118.000.075.308.10.00.00	New Beginning Reserved Cash & Investments	$	32,184
118.000.008.508.10.00.00	New Ending Reserved Cash & Investments	$	30,992
119 Transit			
119.000.047.308.10.00.00	New Beginning Reserved Cash & Investments	$	311,950
119.000.999.508.10.00.00	New Ending Reserved Cash & Investments	$	320,460
121 Tourism			
121.000.057.308.10.00.00	New Beginning Reserved Cash & Investments	$	45,153

121.000.999.508.10.00.00	New Ending Reserved Cash & Investments	$ 54,921
150 Fire Equipment Reserve		
150.000.022.308.10.00.00	New Beginning Reserved Cash & Investments	$ 374,212
150.000.008.508.10.00.00	New Ending Reserved Cash & Investments	$ 586,616
170 CE Equipment Reserve		
170.000.098.308.10.00.00	New Beginning Reserved Cash & Investments	$ 505,355
170.000.008.508.10.00.00	New Ending Reserved Cash & Investments	$ 597,911
181 Crime Prevention Accum. Reserve		
181.000.098.308.10.00.00	New Beginning Reserved Cash & Investments	$ 4,967
181.000.008.508.10.00.00	New Ending Reserved Cash & Investments	$ 5,587
301 Capital Improvement		
301.000.098.308.80.00.00	New Beginning Unreserved Cash & Investments	$ 491,996
301.000.008.508.80.00.00	New Ending Unreserved Cash & Investments	$ 580,318
303 Fire Control Bldg Reserve		
303.000.022.308.80.00.00	New Beginning Unreserved Cash & Investments	$ 14,292
303.000.008.508.80.00.00	New Ending Unreserved Cash & Investments	$ 24,307
310 CE Bldg/Property Reserve		
310.000.098.308.80.00.00	New Beginning Unreserved Cash & Investments	$ 1,141,746
310.000.008.508.80.00.00	New Ending Unreserved Cash & Investments	$ 1,079,365
415 Sewer		
415.000.035.308.80.00.00	New Beginning Unreserved Cash & Investments	$ 750,433
415.000.999.508.80.00.00	New Ending Unreserved Cash & Investments	$ 837,330
465 Sewer Reserve		
465.000.035.308.80.00.00	New Beginning Unreserved Cash & Investments	$ 1,354,945
465.000.999.508.80.00.00	New Ending Unreserved Fund Balance	$ 1,285,195

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28th day of January 2020.

_____
Sherry Raymond, Mayor

ATTEST:

_____
Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

_____
Rob Case, City Attorney

ORDINANCE NO. _____