



SELAH CITY COUNCIL

5:30pm January 26, 2021



*Selah City Council
Regular Meeting
Tuesday, January 26, 2021
5:30pm
Via Zoom*

Mayor:
Mayor Pro Tem:
Council Members:

Sherry Raymond
Roger Bell
Russell Carlson
Jacquie Matson
Kevin Wickenhagen
Clifford Peterson
Suzanne Vargas
Michael Costello

CITY OF SELAH
115 West Naches Avenue
Selah, Washington 98942

City Administrator:
City Attorney:
Clerk/Treasurer:

Donald Wayman
Rob Case
Dale Novobielski

AGENDA

- A. Call to Order –Mayor Raymond
- B. Roll Call
- C. Councilmember Absence – Motion to Excuse
- D. Pledge of Allegiance
- E. Invocation
- F. Agenda Changes **None**
- G. Public Appearances/Introductions/Presentations
 - 1. Katrina Henkle, Selah Downtown Association – Update
- H. Getting To Know Our Businesses **None**
- I. Communications

We are presently conducting the regular meeting portion of today's session. State law does not require a noncharter code city, such as the City of Selah, to allot time for public comment during a regular meeting between the Mayor and City Council. Historically, the City has chosen to allot time for public comment during its regular meetings, subject to a maximum of two minutes per commenter and common-sense standards of decorum. Recently, those standards of decorum have been increasingly infringed.

Those wishing to offer public comments during a regular meeting must comply with the following process and standards. Each commenter must state his/her full name and whether he/she is a registered voter residing within the city limits of Selah. Each commenter is limited to one comment and a maximum duration of two minutes per regular meeting. A maximum of thirty minutes per regular meeting will be allotted for all public comments. Comments must be constructive and respectful; no profanity, insults, defamation, or direct or implied personal attacks will be allowed. Criticism of City policy is allowed, but personal criticism of any individual is not allowed. The public comment process is not a question-and-answer process. Also, each commenter should speak solely for himself/herself rather than purporting to speak on behalf of others, repeating verbatim or nearly verbatim what another commenter has said, or repeating what a written document says.

In-person comments will be heard from the podium in the order offered by commenters (and during the Covid shutdown, written comments will be read aloud in the order received by City staff and telephonic comments may also be heard). The Mayor may cut off any in-person or telephonic comment that he/she deems inappropriate (and City staff, at the direction of the Mayor, may disallow or modify any written comment that is deemed inappropriate).

These standards are subject to revision. Those who infringe the applicable standards may be barred from offering public comments during future regular meetings.

Public comment during regular meetings is not the exclusive method to communicate with the Mayor or the City Council on any topic. People may send emails or letters, leave voicemails, or request in-person meetings, to or with the Mayor or any member(s) of the City Council. The Mayor and each member of the City Council has personal discretion over how and when he/she might respond to emails, letters, voicemails, and requests for in-person meetings.

2. Written **None**

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 12, 2021 Council Meeting

Dale N. * 2. Approval of Claims & Payroll

L. Public Hearings **None**

M. General Business

1. New Business **None**

2. Old Business **None**

N. Resolutions

Dale Novobielski 1. Resolution Authorizing the Mayor to Sign an Updated Ballot Drop Box Property Use Agreement

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

O. Ordinances **None**

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

2. Council Members

3. City Administrator

4. Boards

5. Mayor

R. Executive Session

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

S. Adjournment

Next Regular Meeting February 9, 2021

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 Action Item

1/26/2021 K – 1

Title: Approval of Minutes: January 12, 2021 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 12, 2021

Regular Meeting
Electronically Via Zoom
115 West Naches Avenue
Selah, WA 98942

- A. Call to Order Mayor Raymond called the meeting to order at 5:30 pm.
- B. Roll Call
- Members Present: Kevin Wickenhagen; Jacquie Matson; Clifford Peterson; Roger Bell; Russell Carlson; Suzanne Vargas; Michael Costello
- Members Absent: None
- Staff Present: Donald Wayman, City Administrator; Rob Case, City Attorney; Dale Novobielski, Clerk/Treasurer; Dan Christman, Police Chief; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; Ty Jones, Public Works Utility Supervisor; Zack Schab, Parks & Recreation Manager; Treesa Morales, Public Records Specialist; Monica Lake, Executive Assistant

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

D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

E. Invocation

Pastor Matt Alexander gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/Presentations

1. Katrina Henkle, Selah Downtown Association – Update

Katrina Henkle, Selah Downtown Association (SDA) Executive Director, addressed the Council. She said that the annual façade grant guidelines and application would be posted on January, and they are due to the SDA by February 26. She encouraged everyone to watch the SDA social media and share to get the word out, noting that anyone applying needs to be in the SDA footprint for the downtown area.

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

I. Communications

1. Oral

Mayor Raymond opened the Public Meeting and read aloud the rules of conduct as stated in the Agenda.

Executive Assistant Lake said that there were eight comments submitted, none of which would be read aloud.

Mayor Raymond closed the Meeting.

2. Written **None**

J. Proclamations/Announcements **None**

K. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

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

* 1. Approval of Minutes: December 8, 2020 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 83967 – 83982 for a total of \$230,668.27

Payroll Checks Nos. 83983 – 84000 for a total of \$276,038.37

Claim Checks Nos. 75832 – 75900 for a total of \$158,461.77

Claim Checks Nos. 75902 – 75980 for a total of \$328,229.55

Claim Checks Nos. 75901; 75981 – 75993 for a total of \$63,035.47

* 3. Resolution N – 1: Resolution Authorizing the Mayor to sign a contract with Yakima Valley Sports Tourism

Council Member Wickenhagen moved, and Council Member Matson seconded, approval of the Consent Agenda as read. By a show of hands, approval was unanimous.

L. Public Hearings **None**

M. General Business

1. New Business

a. Selection of Mayor Pro Tempore for Calendar Year 2021

Mayor Raymond stated that Council Member Bell had expressed a desire to continue as Mayor Pro Tempore for another year.

Council Member Matson moved, and Council Member Carlson seconded, to retain Council Member Bell as the Mayor Pro Tempore for 2021. By a show of hands, approval was unanimous.

b. Board and Committee Assignments for Calendar Year 2021

Mayor Raymond started with the Finance Committee, saying that she would like to replace Council Members Matson and Carlson with Council Members Costello and Vargas, to let the new Council Members get more information on how the Finance Committee works.

Council Member Vargas asked when they meet.

Council Member Carlson replied that they typically meet once a quarter, as arranged by the Clerk/Treasurer.

Clerk/Treasurer Novobielski remarked that they typically do one each quarter although he didn't think they had a meeting last year but don't think had a meeting year, haven't even provided 3rd quarter reports yet, like to try Zoom approach, Council Member Vargas to answer question most has been on a quarterly basis, been less than an hour, typically a half hour,

Council Member Vargas said that if the majority fall outside normal work hours she would be fine.

Mayor Raymond inquired if they usually hold them during the day.

Clerk/Treasurer Novobielski responded that they have in the past.

Council Member Vargas commented that she could make that work on a quarterly basis.

Mayor Raymond asked Council Member Wickenhagen if he wished to remain on the Volunteer Park committee.

Council Member Wickenhagen replied that Council Member Vargas had inquired about being on that, and he would let her take his place.

Mayor Raymond stated that Council Member Vargas would replace Council Member Wickenhagen on the Volunteer Park committee. She asked Council Member Carlson if he still wished to serve on the LTAC Board.

Council Member Carlson answered in the affirmative.

Mayor Raymond moved onto the YVCOG membership, saying that Council Member Matson would remain as primary, with herself as alternate. She asked Council Member Wickenhagen if he wished to continue as a member of the Yakima Valley Visitors & Convention Bureau.

Council Member Wickenhagen replied in the affirmative.

Mayor Raymond said that with regard to the SPRSA board, Council Member Bell has been on it from the beginning and she believes that he would like to follow through.

Council Member Bell responded that he was good with that, as it provides continuity while they are trying to get County adjustments made to the agreement.

Mayor Raymond stated that the Fire Commission and Board of Volunteer Firefighters would remain herself and Council Member Bell.

Council Member Bell agreed.

Mayor asked Council Member Bell if he wished to continue to serve on the Chamber of Commerce.

Council Member Bell answered that he would unless someone else wished to do so, adding that they meet at least twice a month, sometimes more frequently if they have events going on.

Mayor Raymond asked Council if anyone else was interested.

Council Member Matson expressed interest.

Council Member Bell was good with her taking over.

Mayor Raymond commented that they haven't had anyone for the Selah School District board since former Council Member Burke left, although Council Member Peterson has shown interest.

Council Member Peterson was good with that.

Mayor Raymond said that Council Member Peterson was on the SDA board before and would like to go back on that.

Council Member Carlson didn't want to be removed but opined that there was room for more than one Council Member to serve.

Mayor Raymond replied that she would talk with Ms. Henkle and get back to him on that. She remarked that they would set up the Building Committee after the Council Retreat on January 27, noting that when it was previously discussed Council Members Wickenhagen, Costello and Member Carlson were placed on it. She stated that they would make decisions for setting up the board after the retreat.

2. Old Business **None**

N. Resolutions

- * 1. Resolution Authorizing the Mayor to sign a contract with Yakima Valley Sports Tourism
- 2. Resolution Accepting the Taylor Ditch Outfall Pollution Reduction Project, Department of Ecology Project No. WQC-2017-SelahPW-00101 as Complete

Public Works Director Henne addressed N – 2. He said that this was a Resolution to have the Mayor accept the Taylor Ditch outfall reduction project as complete He referred Council to the AIS, which

talked about the sixty-day window to complete paperwork and return it to the Departments of Ecology and Commerce, and to L&I, then do a walkthrough of the project, get closeout documents back from the three agencies and then release the retainage. He noted that they had problems with procurement of the infiltration separation basins, which delayed the project approximately three weeks, and he would like to get this project closed out and off the books, and move onto another project.

Council Member Wickenhagen moved, and Council Member Peterson seconded, to approve the Resolution Accepting the Taylor Ditch Outfall Pollution Reduction Project, Department of Ecology Project No. WQC-2017-SelahPW-00101 as Complete. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

O. Ordinances

1. Ordinance Amending Title 11 of the Selah Municipal Code Relating to the Regulation of Building Codes and Standards, so as to Adopt the 2018 International Code Updates

Clerk/Treasurer Novobielski addressed O – 1. He said that on December 8, 2020, Council approved Ordinance #2115 establishing the 2021 pay rates for unrepresented employees, and during that process he failed to implement providing the two percent increase to part-time Public Works, Parks and Maintenance laborers, which would result in an increase of thirty-three cents for Laborer 2 and twenty-nine cents for Laborer 1. He requested that Council correct his oversight and amend the Ordinance for those two items.

Council Member Peterson moved, Council Member Carlson seconded, to Approve the Ordinance Amending Ordinance No. 2115 Establishing the 2021 Base Salary and Wage Schedule for Management, Confidential and Unrepresented Employees. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Recreation Manager Schab had no report.

Police Chief Christman had no report.

Fire Chief Hanna said that he hired the new Deputy Chief, who started last Monday, and was currently knee deep in cross training and getting up to speed.

Community Development Supervisor Peters gave a brief report on the matters slated to come before the Council and the Planning Commission the first quarter of the year, including the shorelines master program, the water system plan, an updated sewer plan and updated capital facility documents, and an update to the land use fees. He noted that the Building department hasn't slowed down much due to the mild winter thus far.

Council Member Wickenhagen inquired as to the date of the public hearing on the shoreline master program.

Community Development Supervisor Peters replied that he believed it was set for February 16.

Public Works Director Henne said that his crew was busy setting water meters, flushing the sewers, cleaning out storm sewers, and sweeping. He went on to say that Publics Works Utility Supervisor Jones and himself were working on a review of the construction plans that have come in, as well as three items City Administrator Wayman has asked Public Works to put together for the retreat.

Mayor Raymond asked if they had taken the street sweeper to Seattle.

Public Works Director Henne answered in the negative, saying that they were trying to get that set up as well as looking into funding for a new sweeper. He noted that Well No. 7 was back together but they would have to replace a sixteen-hundred-dollar fan.

Clerk/Treasurer Novobielski said that with the final 2020 bills paid that evening, he would be doing the final transfers and final entries, and creating year-end financial statements, after which he would plug the actual numbers into the 2021 budget to allow him to do the actual distribution and discover what the actual fund balance carryover from 2020 is, with an Ordinance at the next Council Meeting to do any adjustments that might be appropriate. He commented that he had a visit last week from County Auditor Charles Ross, who had mentioned a desire to locate a voting ballot box outside City Hall by the front steps, and that they are asking for the City to sign a new agreement and do a cost-share with the City paying two hundred fifty-two dollars.

Council Member Wickenhagen inquired about an email from the auditors about a final report.

Clerk/Treasurer Novobielski replied that they most recently completed a legal compliance audit, wit the exit conference scheduled for 10am on Friday, adding that while any Council Members are invited to participate, they do have a restriction regarding quorum.

City Attorney Case said that there remain three separate lawsuits against the City, but he would offer no public comment on those. He remarked that he has seen multiple reports on social media from citizens of the City and County regarding mail theft from mailboxes and theft from cars being broken into. He stated that he was not accusing anyone, nor doing a comparison to different times and years, but advised people to be diligent, pick their mail up promptly, and try not to leave valuables visible in vehicles.

2. Council Members

Council Member Peterson had no report.

Council Member Vargas had no report.

Council Member Wickenhagen had no report.

Council Member Costello had no report.

Council Member Carlson said that the SDA façade grant, a fifty/fifty matching grant which has been a very good program in Selah and financially beneficial to numerous business owners, would be out soon and requested that they share that with any businesses or landlords. He noted that the SDA was doing the B&O tax donation, so a business can make a contribution to the SDA and in return get a seventy-five percent credit on their B&O taxes. He remarked that makes it so the money stays in the City.

Council Member Bell remarked that the Chamber board meeting is at noon tomorrow on Zoom, and that he would be attending if Council Member Matson couldn't make it. He commented that he would like to participate in the exit conference Friday morning.

Council Member Matson requested that he forward her the link for that meeting. She announced that this would be her last year on the Council, saying that she wanted the public to know in advance so when the time to put one's name in they would be aware that there would be an open position.

3. City Administrator

City Administrator Wayman had no report.

4. Boards **None**

5. Mayor

Mayor Raymond had no report.

R. Executive Session

1. 15 Minute Session – Litigation RCW 42.30.110 (1)(i)

Council went into Executive Session at 6:10m. At 6:25pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

Council Member Wickenhagen moved to allow City Attorney Case to offer the amount discussed.

City Attorney Case said that he believed it was to be up to the maximum amount.

Council Member Wickenhagen amended his motion to be 'up to the maximum amount discussed'. Council Member Matson seconded the amended motion. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – yes; Council

Member Peterson – yes; Council Member Bell – yes; Council Member Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

S. Adjournment

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

The meeting adjourned at 6:24pm.

Sherry Raymond, Mayor

Roger Bell, Council Member

Russell Carlson, Council Member

Jacquie Matson, Council Member

Kevin Wickenhagen, Council Member

Clifford Peterson, Council Member

Suzanne Vargas, Council Member

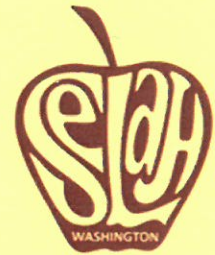
ATTEST:

Michael Costello, Council Member

Dale E. Novobielski, Clerk/Treasurer



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



Council Meeting Action Item
1/26/2021 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
1/26/2021 N – 1

Title: Resolution Authorizing the Mayor to Sign an Updated Ballot Drop Box Property Use Agreement

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Approval

Staff Recommendation: Approve Resolution.

Fiscal Impact: \$ 253

Funding Source: Fund 001 General

Background / Findings & Facts: Yakima County Auditor, Charles Ross, has asked whether the city would be willing to allow the replacement of the temporary Ballot Drop Box which has been available inside of city hall during elections with a permanent Ballot Drop Box located outside of city hall. The installation would expand access to voters and would facilitate and encourage public interest in electoral participation.

Recommended Motion: I move to approve a Resolution authorizing the Mayor to sign an updated ballot drop box property use agreement.



**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:

9/26/2017

Action Taken:

City Council authorized the Mayor to sign a Ballot Drop Box Property and Premises Use Agreement with Yakima County Elections

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN UPDATED
BALLOT DROP BOX PROPERTY USE AGREEMENT

WHEREAS, the City of Selah desires to receive a permanent ballot drop box from the Yakima County Auditor;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Mayor be authorized to sign an updated Ballot Drop Box Property Use Agreement with the Yakima County Auditor.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 26th day of January 2021.

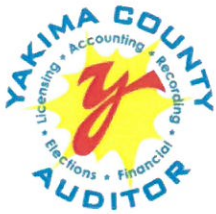
Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

Rob Case, City Attorney



Charles R. Ross
Yakima County Auditor

Elections Division

Kathy A Fisher, Manager

128 N 2nd St Rm 117; Yakima WA 98901

PO Box 12570; Yakima WA 98909

509.574.1340

1.800.833.0569

ivote@co.yakima.wa.us

www.yakimacounty.us/vote

Ballot drop box property use agreement

This ballot drop box property use agreement is made and entered between **Yakima County**, a municipal corporation and political subdivision of the state of Washington and the **City of Selah**.

Both parties desire to make available a permanent ballot drop box to be located outside Selah City Hall at 115 West Naches Avenue, Selah WA 98942.

Yakima County and the City of Selah agree that it is in their mutual interest and in the best interest of the general public that a permanent ballot drop box be located at the property mentioned above so as to facilitate and encourage public interest in electoral participation by local residents and hereby agree as follows:

Agreement

This agreement supersedes any and all active agreements between Yakima County and the City of Selah with respect to ballot drop boxes.

Grant of Use Right. The City of Selah grants Yakima County the right to use the subject property and premises upon the terms, covenants and conditions set forth in this agreement.

General Use Period. This agreement shall commence on or about February 1, 2021 and is subject to termination as provided below.

Active Use Period. The Active Use Period is defined as the period of time during which registered voters begin receiving ballots for an election that is being conducted in the immediate geographical vicinity and concludes promptly at 8:00:00 pm on Election Day.

Delivery of Use; Acceptance. Yakima County shall be entitled to use the subject property and premises as of the effective date. Yakima County has inspected the premises and has determined to its complete satisfaction the same are suitable for the ballot drop box.

Use of Subject Property and Premises; Change of Location/Removal.

Permitted Uses. Yakima County shall use the subject property and premises for the sole purposes of installing, using, maintaining or removing the ballot drop box and for no other uses or purposes without prior written consent.

Prohibited Uses. Yakima County shall not use the subject property or premises in violation of any statute, rule, ordinance, permit, order, regulation or code in effect and applicable to any part thereof, nor shall it do or suffer to be done in or about the subject property or premises, or bring into, keep, or suffer to be brought into or kept in or about the subject property or premises, anything that may constitute a waste, hazard, nuisance or unreasonable annoyance.

Change of Location/Removal. If it is determined that the ballot drop box is no longer compatible with its use and occupancy of the subject property, it may require Yakima County to move the drop box to a newly-designated location.

If the City of Selah makes such a determination, it must notify Yakima County by at least January 1 of the election year in question and provide a mutually agreeable alternative location within the City of Selah for placing the drop box. Either party may also agree to terminate this agreement altogether, by giving advance written notice to the other party. If such notice is given by the City of Selah, it must be delivered to Yakima County by not later than January 1 of the election year in question.

Yakima County's Responsibilities. In addition to any other responsibilities expressly set forth in this agreement, Yakima County agrees to:

Installation. Install the ballot drop box in good and workmanlike manner in accordance with the manufacturer's specifications and with all laws, rules, regulations, ordinances, permits and requirements of all governmental agencies having jurisdiction.

Maintenance. Maintain the ballot drop box throughout the use period in good repair and in a neat, clean, safe, sanitary and graffiti-free condition. If the ballot drop box is breached, damaged, vandalized or defaced in any way, Yakima County shall re-secure, repair or replace the ballot drop box as soon as practicable after receiving notice thereof.

Public Access. Open the ballot drop box prior to the first day of the Active Use Period and provide the City of Selah with written procedures and supplies for their role as principal-agent in closing the ballot box at the conclusion of the Active Use Period.

City of Selah Responsibilities. In addition to any other responsibilities expressly set forth in this agreement, the City of Selah agrees to:

Principal-Agent Relationship. Act as an agent of the county auditor's office with respect to ballot collection and adhere to all laws, policies and procedures governing such activity. In the interest of nonpartisanship and transparency, the clerk or other town official who is not elected by the people shall serve in the agent capacity, and agrees to promptly close the ballot drop box at 8:00:00 p.m. on Election Day according to law and procedures provided by Yakima County Elections.

Exercise Due Care. Exercise due care and caution with respect to the ballot drop box while conducting its business operations in and about the subject property and shall, at its sole cost and expense, repair any and all damage to the ballot drop box caused by the negligent or willful conduct of its elected or appointed officials, contractors, servants, agents or employees.

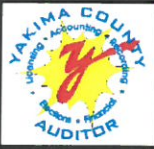
Notification. Notify Yakima County immediately when: (a) the ballot drop box has been breached, damaged, vandalized or defaced in any way; and/or (b) any threat is made with respect to the ballot drop box.

Public Access. Ensure the general public has reasonable access to the ballot drop box twenty-four (24) hours per day, seven (7) days per week during the Active Use Period for purposes of casting election ballots.

SIGNED AND DATED this _____ day of _____, 2021.

CHARLES R. ROSS, County Auditor and
Ex-officio Supervisor of Elections
Yakima County, WA

Sherry Raymond
Mayor
City of Selah



City of Mabton, Selah, Union Gap, Wapato, and Town of Naches revised partnership for a permanent outdoor ballot drop box first quarter 2021 installation

proposed revised partnership

By providing a well-recognized and secure location for the installation of a permanent ballot drop box, a revised partnership between the Yakima County Auditor's Office, Election Division and the City of Selah is proposed. The installation of a permanent outdoor ballot drop box would expand access to voters and would facilitate and encourage public interest in electoral participation.

the law

RCW 29A.40.170 Ballot drop boxes.

(1) The county auditor must prevent overflow of each ballot drop box to allow a voter to deposit his or her ballot securely. Ballots must be removed from a ballot drop box by at least two people, with a record kept of the date and time ballots were removed, and the names of people removing them. Ballots from drop boxes must be returned to the counting center in secured transport containers. A copy of the record must be placed in the container, and one copy must be transported with the ballots to the counting center, where the seal number must be verified by the county auditor or a designated representative. All ballot drop boxes must be secured at 8:00 p.m. on the day of the primary, special election, or general election.

(2) The county auditor must establish a minimum of one ballot drop box per fifteen thousand registered voters in the county and **a minimum of one ballot drop box in each city, town**, and census-designated place in the county with a post office.

(3) At the request of a federally recognized Indian tribe with a reservation in the county, the county auditor must establish at least one ballot drop box on the Indian reservation on a site selected by the tribe that is accessible to the county auditor by a public road.

(4) A federally recognized Indian tribe may designate at least one building as a ballot pickup and collection location at no cost to the tribe. The designated building must be accessible to the county auditor by a public road. The county auditor of the county in which the building is located must collect ballots from that location in compliance with the procedures in subsection (1) of this section.

style of ballot drop box

The ballot drop box for the proposed location measures 12" W x 24" L x 36" H and weighs approximately 300 pounds.

It is similar in style to the photo below that is currently installed in White Swan at Fire District No. 5.



proposed box location

Upon mutual agreement between Yakima County and City Hall, the City shall select the area for placement that does not hinder City Hall operations while providing unhindered access for ballot return.

estimated cost for purchase and installation of 24/7 boxes for cities

During the first quarter of 2021, five (5) ballot boxes are scheduled for delivery and proposed for installation in key areas of the county; specifically, the Cities of Selah, Union Gap, Wapato, Mabton, and the Town of Naches.

The quote received, shipping included is \$7,375.96.

An additional 10 boxes are proposed for purchase and installation before year end, for a grand total in 2021 estimated to be **\$25,000**.

This cost shall be considered a general operating election cost to be shared proportionately amongst all districts, including the State and County.

Estimate of total shared proportionate cost for cities proposed in first quarter of 2021:

City of Mabton	\$ 38.15
Town of Naches	\$ 29.61
City of Selah	\$ 253.47
City of Union Gap	\$ 161.13
City of Wapato	\$ 92.88

Washington State	\$6,899.73
Yakima County	\$6,899.73
City of Grandview	\$ 209.11
City of Granger	\$ 64.62
Town of Harrah	\$ 15.40
City of Mabton	\$ 38.15
City of Moxee	\$ 12.91
Town of Naches	\$ 29.61
City of Selah	\$ 253.47
City of Sunnyside	\$ 294.11
City of Tieton	\$ 27.50
City of Toppenish	\$ 171.94
City of Union Gap	\$ 161.13
City of Wapato	\$ 92.88
City of Wapato	\$2,562.73
City of Zillah	\$ 91.80
Union Gap School District No. 2	\$ 92.02
Naches Valley School District No. J13	\$ 315.94
Yakima School District No. 7	\$1,935.18
Wahluke School District No. 73	\$ 0.54
East Valley School District No. 90	\$ 608.05
Selah School District No. 119	\$ 693.47
Mabton School District No. 120	\$ 65.33
Grandview School District No. 200	\$ 314.80
Sunnyside School District No. 201	\$ 501.00
Toppenish School District No. 202	\$ 307.89
Highland School District No. 203	\$ 164.75
Bickleton School District No. 203	\$ 1.13
Granger School District No. 204	\$ 130.28
Zillah School District No. 205	\$ 160.32
Wapato School District No. 207	\$ 314.86
West Valley School District No. 208	\$1,187.56
Mount Adams School District No. 209	\$ 106.61
Fire Protection District No. 1	\$ 127.95
Fire Protection District No. 2	\$ 458.91
Fire Protection District No. 3	\$ 52.03
Fire Protection District No. 4	\$ 611.77
Fire Protection District No. 5	\$ 912.10
Fire Protection District No. 6	\$ 149.35
Fire Protection District No. 7	\$ 3.08
Fire Protection District No. 9	\$ 47.66
Fire Protection District No. 10	\$ 23.45
Fire Protection District No. 11	\$ 17.94
Fire Protection District No. 12	\$ 462.10
Fire Protection District No. 14	\$ 39.77
Port of Grandview	\$ 329.99
Port of Sunnyside	\$ 519.27
Cowiche Sewer District	\$ 6.75
Terrace Heights Sewer District	\$ 263.31



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



Council Meeting Action Item

1/26/2021

N – 2

Title: Resolution Authorizing the Mayor to Adopt Right-of-Way Procedures

From: Joe Henne, Public Works Director

Action Requested: Approval

Staff Recommendation: The Mayor adopt the Right-of-Way Procedures

Fiscal Impact: None

Funding Source: N/A

Background / Findings & Facts: The City of Selah (AGENCY”), desiring to acquire Real Property in accordance with the State Uniform Relocation Assistance and Real Property Acquisition Act (CH. 8.26 RCW) and state regulations (Ch. 468-100 WAC), hereby adopts the following procedures to implement the above statute and Washington Administrative Code. The Public Works Department of the AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements, the Public Works Department will acquire right-of-way in accordance with the policies set forth in the Washington State Department of Transportation Right of Way Manual (M 26-01), Local Agency Guidelines Manual (M 36-6).

Recommended Motion: The Council authorize the Mayor to sign a Resolution adopting the Right-of-Way Procedures.

RESOLUTION NO. _____

Resolution Authorizing the Mayor to Adopt Right-Of-Way
Procedures

WHEREAS, the City of Selah (AGENCY) desiring to acquire Real Property in accordance with the State Uniform Relocation Assistance and Real Property Acquisition Act (CH. 8.26 RCW) and state regulations (Ch. 468-100 WAC), and

WHEREAS, The Public Works Department of the AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY, and

WHEREAS, To fulfill the above requirements, the Public Works Department will acquire right-of-way in accordance with the policies set forth in the Washington State Department of Transportation Right of Way Manual (M 26-01), Local Agency Guidelines Manual (M 36-6), and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor be authorized to sign the resolution hereby adopts the following procedures to implement the above statute and Washington Administrative Code.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON this 26th day of January, 2021.

Sherry Raymond Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Rob Case, City Attorney

Right of Way Procedures

The **City of Selah**, hereinafter referred to as “AGENCY”, desiring to acquire real property (obtain an interest in, and possession of, real property) in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and applicable federal regulations (49 CFR Part 24) and state law (Ch. 8.26 RCW), and state regulations (Ch. 468-100 WAC) hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements the AGENCY will acquire right-of-way (ROW) in accordance with the policies set forth in the Right of Way Manual M 26-01 and Local Agency Guidelines. The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

1. The following relate to the AGENCY’s request.

a. Below is a list of responsible AGENCY individual names and positions, for which the AGENCY has qualified staff to perform the specific right-of-way function(s). Attached are resumes for each individual AGENCY staff listed to perform those functions below, and a brief summary of their qualifications pertaining to the specific ROW function(s) for which they are listed. The procedures shall be updated whenever staffing changes occur. The AGENCY will be approved to acquire based upon staff qualifications.

i. **PROGRAM ADMINISTRATION:**

Oversee delivery of the R/W Program on federal aid projects for the agency. Ensures R/W functions are carried out in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Ensures agency’s approved R/W Procedures are current, including staff qualifications, and provides copies to consultants and agency staff;
- Oversight of ROW consultants;
 - use of consultant contract approved by WSDOT
 - management of ROW contracts
 - management of ROW files
 - reviews and approves actions and decisions recommended by consultants
 - Overall responsibility for decisions that are outside the purview of consultant functions
- Sets Just Compensation prior to offers being made;
- Approves administrative offer summaries per policy;
- Ensure agency has a relocation appeal process in place prior to starting relocation activities;
- Oversight of Administrative Settlements;
- Obligation authority for their agency;
- Obtain permits (Non-Uniform Relocation Act (URA));

- Ensures there is a separation of functions to avoid conflicts of interest.
- Verifies whether or not ROW is needed, and that the property rights and/or interests needed are sufficient to construct, operate and maintain the proposed projects (see Appendix 25.176).

Donald C Wayman, City Administrator
Joseph K. Henne, Director of Public Works

(Insert Name and Title of AGENCY Position above & attach resume of qualifications)

ii. APPRAISAL

Prepare and deliver appraisals on federal aid projects for the agency. Ensures that appraisals are consistent and in compliance with state and federal laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal work;
- Use appraiser from WSDOT's Approved Appraiser List if agency does not have qualified staff;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Obtain specialist reports;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Contract / WSDOT/ YAKIMA COUNTY

(Insert Name and Title of AGENCY Position above & attach resume of qualifications)

iii. APPRAISAL REVIEW:

Review appraisals on federal aid projects for the agency to make sure they are adequate, reliable, and have reasonable supporting data, and approve appraisal reports. Ensures appraisals are adequately supported and represent fair market value and applicable costs to cure and are completed in compliance with state and federal laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal review work;

- Use review appraiser from WSDOT's Approved Appraiser List if agency does not have qualified staff;
- Ensures project wide consistency in approaches to value, use of market data and costs to cure;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Contract / WSDOT/ YAKIMA COUNTY

(Insert Name and Title of AGENCY Position above & attach resume of qualifications)

- iv. **ACQUISITION:**
 Acquire, through negotiation with property owners, real property or real property interests (rights) on federal aid projects for the agency. Ensures acquisitions are completed in compliance with federal and state laws, regulations, and policies and procedures.

Responsibilities/Expectations:

- Use only qualified staff to perform acquisition activities for real property or real property interests, including donations;
- To avoid a conflict of interest, when the acquisition function prepares an AOS, only acquires property valued at \$10,000 or less;
- Provide and maintain a comprehensive written account of acquisition activities for each parcel;
- Prepare administrative settlement justification and obtain approval;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Review title, and recommend and obtain approval for acceptance of encumbrances;
- Ensure acquisition documents are consistent with ROW plans, valuation, and title reports;
- Provide a negotiator disclaimer;
- Coordinate with engineering, program administration, appraisal, relocation, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each acquisition.

Contract / WSDOT/YAKIMA COUNTY

(Insert Name and Title of AGENCY Position above & attach resume of qualifications)

v. **RELOCATION:**

Provide relocation assistance to occupants of property considered displaced by a federally funded projects for the agency. Ensures relocations are completed in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Prepare and obtain approval of relocation plan prior to starting relocation activities;
- Confirm relocation appeal procedure is in place;
- Provide required notices and advisory services;
- Make calculations and provide recommendations for agency approving authority prior to making payment;
- Provide and maintain a comprehensive written account of relocation activities for each parcel;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW.

Contract / WSDOT/ YAKIMA COUNTY

(Insert Name and Title of AGENCY Position above & attach resume of qualifications)

vi. **PROPERTY MANAGEMENT:**

Establish property management policies and procedures that will assure control and administration of ROW, excess lands, and improvements acquired on federal aid projects for the agency. Ensures property management activities are completed in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Account for use of proceeds from the sale/lease of property acquired with federal funds on other title 23 eligible activities;
- Keep R/W free of encroachments;
- Obtain WSDOT/FHWA approval for change in access control along interstate;
- Maintain property records;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW.

Donald C Wayman, City Administrator
Joseph K. Henne, Director of Public Works

(Insert Name and Title of AGENCY Position above & attach resume of qualifications)

- b. Any functions for which the AGENCY does not have qualified staff, the Agency will contract with another local agency with approved procedures, an outside contractor, or the Washington State Department of Transportation (WSDOT). An AGENCY that proposes to use outside contractors for any of the above functions will need to work closely with the WSDOT Local Agency Coordinator (LAC) and Local Programs to ensure all requirements are met. When the AGENCY proposes to have a staff person approved to negotiate who is not experienced in negotiation for FHWA funded projects, the LAC must be given a reasonable opportunity to review all offers and supporting data before they are presented to the property owners.
 - c. An AGENCY wishing to take advantage of an Appraisal Waiver (aka Administrative Offer Summary or AOS) procedure on properties valued up to \$25,000 or less should make their proposed waiver procedure a part of these procedures. The procedure outlined in LAG manual has already been approved using form LPA-003. The AGENCY may submit a procedure different than that shown and it will be reviewed and approved if it provides sufficient information to determine value.
 - d. Attached is a copy of the AGENCY's administrative settlement procedure showing the approving authority(s) and the procedure involved in making administrative settlements.
- 2. All projects shall be available for review by the FHWA and WSDOT at any time and all project documents shall be retained and available for inspection during the plan development, right-of-way and construction stages, and for a three year period following acceptance of the projects by WSDOT.
 - 3. Approval of the AGENCY's procedures by WSDOT may be rescinded at any time the AGENCY is found to no longer have qualified staff or is found to be in non-compliance with the regulations. The rescission may be applied to all or part of the functions approved.

Mayor or Chairman

Date

Washington State Department of Transportation

Approved By:

Local Programs Right of Way Manager

Date

WAIVER OF APPRAISAL PROCEDURE

The City of Selah, hereinafter referred to as “AGENCY”, desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives, and desiring to take advantage of the \$25,000.00 appraisal waiver process approved by the Federal Highway Administration (FHWA) for Washington State, hereby agrees to follow the procedure approved for the Washington State Department of Transportation (WSDOT) as follows:

Rules

- A. The AGENCY may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the Project Funding Estimate (PFE) is \$25,000.00 or less including cost-to-cure items. A True Cost Estimate shall not be used with this procedure.
- B. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers \$10,000 or less.
- C. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers over \$10,000 and up to \$25,000, and that an appraisal will be prepared if requested by the property owner(s).
- D. Special care should be taken in the preparation of the waiver. As no review is mandated, the preparer needs to assure that the compensation is fair and that all the calculations are correct.

Procedures

- A. An Administrative Offer Summary (AOS) is prepared using data from the PFE.
- B. The AOS is submitted to the City Council for approval.
(Enter name of position title only)
- C. The City Administrator signs the AOS authorizing a first
(Enter name of position title only)
offer to the property owner(s).

AGENCY

By: _____

APPROVED:

Local Programs Right of Way
Manager

RIGHT-OF-WAY ACQUISITION

AGENCY: City of Selah

RE: Joseph K. Henne, Director Public Works

Acquisition Qualifications

Joe Henne, Public Works Director, will negotiate on behalf of the City of Selah as Project Acquisition Officer. He has an associate degree in civil engineering technology and has 36 years of combined professional experience. Mr. Henne has 5 years in the private engineering sector under contract with the U.S. Army Corps of Engineers and 31 years working for the City of Selah Public Works Department. Mr. Henne is versed in the right-of-way procedures outlined in the WSDOT LAG Manual and has worked with WSDOT and Yakima County right-of-way personnel on past City of Selah street projects. Mr. Henne has assisted in negotiated right-of-way matters on numerous non-federally and federally funded streets, water and sewer projects during his employment with the City.

Director of Public Works

RIGHT-OF-WAY PROGRAM ADMINISTRATION

AGENCY: City of Selah

RE: Donald C. Wayman, City Administrator

Program Administration Qualifications

- Donald Wayman, City Administrator, will provide program administration as outlined in the City of Selah Right-of-Way Procedures. Mr. Wayman has 5 years' experience working for City government and 27 years in the Marine Corps, and is experienced in negotiations of related items and can perform the required responsibilities of acquiring right-of-way.

City Administrator