



SELAH CITY COUNCIL

5:30pm November 23, 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



*Selah City Council
Regular Meeting
Tuesday, Nov 23, 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:

Joe Henne
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
 - 1. Oral

The City of Selah is a non-charter code city and we are presently conducting a regular meeting between the Mayor and City Council. A maximum of thirty minutes will be allotted for public comments. Common-sense standards of decorum apply. Comments must be respectful; no profanity or insults are allowed. Comments must pertain to City business and official actions. Constructive criticism of City officials is allowed, but defamation, personal attacks and impertinent assertions are not allowed. Commenters are limited to one comment per meeting and a maximum of two minutes. City staff may disallow or modify any comment that is deemed inappropriate. These standards are subject to revision.

- 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.

Treesa Morales *	1. Approval of Minutes: November 9, 2021 Council Meeting
Dale Novobielski *	2. Approval of Claims & Payroll

L. Public Hearings **None**

M. General Business

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

N. Resolutions

- Rocky Wallace
 - 1. Resolution Authorizing the Mayor to Sign Task Order No. 2021-12 Between the City of Selah and HLA Engineering and Land Surveying Inc, for Engineering and Surveying Services for the Valleyview Ave, South Third Street, Southern Avenue Sewer Improvement Project.
- Rob Case
 - 2. Resolution Authorizing the Mayor to sign a Settlement and Release Agreement with former City Administrator Donald Wayman, and to Effectuate the Settlement Specified Therein

O. Ordinances

- Dale Novobielski
 - 1. Ordinance to Establish the Amount of Taxes to be Levied Upon the Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2022.
- Dale Novobielski
 - 2. Ordinance Amending the 2021 Budget for a Water Service Meter Improvements Project

P. Public Appearances **None**

Q. Reports/Announcements

- 1. Departments
- 2. Council Members
- 3. City Administrator
- 4. Boards

Makenzie Hoff * a. Planning Commission Minutes for the October 5th Meeting

- 5. Mayor

R. Executive Session **None**

S. Adjournment

Next Regular Meeting December 14, 2021



Selah City Council

AGENDAY ITEM SUMMARY

Meeting Date: 11/23/2021	Action Item
Agenda Number: K-1	

Title: Approval of Minutes, November 9, 2021 Council Meeting

From: Tresa Morales, Public Record Manager

Action Requested: Approval

Staff Recommendation: To approve the consent agenda as written in agenda

Board/Commission Recommendation: Not Applicable

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: N/A

Recommended Motion: I move to approve the Consent Agenda Item

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
Click or tap to enter a date.	None

City of Selah
City Council Meeting Minutes
November 9, 2021
 Regular Meeting
 Electronically Via Zoom

- A. Call to Order Mayor Raymond called the meeting to order at 5:30 pm.
- B. Roll Call
 Members Present: Kevin Wickenhagen; Jacquie Matson; Suzanne Vargas; Clifford Peterson; Roger Bell; Michael Costello, Russell Carlson

 Staff Present: Joe Henne, City Administrator; Rob Case, City Attorney; Dan Christman, Police Chief; James Lange, Fire Chief; Mickey Gillie, Deputy Fire Chief; Jeff Peters, Community Development Supervisor; Treesa Morales, Public Records Manager.
- C. Councilmember Absence
- D. Pledge of Allegiance

 Mayor Raymond led the Pledge of Allegiance
- E. Invocation

 Pastor Katie Hutchinson from Selah Covenant gave the Prayer
- F. Agenda Changes
- G. Public Appearances/Introductions/Presentations
 - 1. Katrina Henkle, Selah Downtown Association
- H. Getting To Know Our Businesses None
- I. Communications
 - 1. Oral None
 - 2. Written None
- J. Proclamations/Announcements None
- K. Consent Agenda

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

- * 1. Approval of Minutes: October 26, 2021 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks No. – None for this council meeting
Claim Checks No. 177216-177275 for a total of \$240,592.28

Councilmember Vargas moved to approved the consent agenda with an edit to L-3 from the 10/26/21 minutes. Noting that they currently state that the vote was unanimous, but it shouldn't read such. Councilmember Carlson seconded the motion with the proposed changes. By show of hands, vote was unanimous.

Public Records Specialist, Treesa Morales, read the Consent Agenda.

L. Public Hearings None

M. General Business

1. New Business None

2. Old Business None

N. Resolutions

N-1. Resolution authorizing the Mayor to sign a Fire Communication Services Contract with Yakima County Fire District #5, and Yakima County Fire Protection District 2.

Introduced by Mayor Raymond and presented by Chief of Fire, James Lange. After Discussion,

Councilmember Peterson moved, and Councilmember Bell seconded, to approve the Resolution authorizing the Mayor to sign a Fire Communication Services Contract with Yakima County Fire District #5, and Yakima County Fire Protection District 2. Roll was called: Councilmember Wickenhagen – yes; Councilmember Matson – yes; Councilmember Vargas – yes; Councilmember Peterson – yes; Councilmember Bell – yes; Councilmember Costello – yes; Councilmember Carlson – absent. By voice vote, Resolution passes unanimously.

Mayor Raymond noted that she forgot to mention the agenda change, and added a 45-minute executive session to the end of the meeting.

Mayor also noted that she forgot to call Katrina Henkle from the Selah Downtown Association to speak. Katrina gave an update.

O. Ordinances None

P. Public Appearances None

Q. Reports/Announcements

1. Departments

- Chief Lange gave a report
- Chief Christman gave a report
- Jeff Peters gave a report

2. Councilmembers

- Councilmember Wickenhagen – No Report
- Councilmember Matson – No Report
- Councilmember Carlson – No Report
- Councilmember Bell – No Report
- Councilmember Vargas – No Report
- Councilmember Peterson – No Report
- Councilmember Costello – No Report

3. City Attorney Case – No Report

4. City Administrator Henne gave a report


R. Executive Session 45 minutes
RE: Litigation; RCW 42.30.110(1)(a)(i)

At the completion of the executive session, Mayor Raymond announced that no votes were taken and no decisions were made.

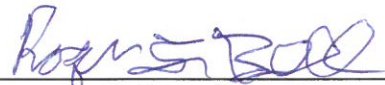
S. Adjournment

Councilmember Matson moved to adjourn the meeting. Councilmember Wickenhagen seconded. By show of hands vote was unanimous. Meeting was adjourned.

The meeting adjourned at 6:47pm

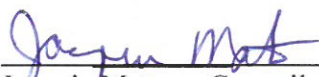


Sherry Raymond, Mayor



Roger Bell, Councilmember


Russell Carlson, Councilmember



Jacquie Matson, Councilmember



Kevin Wickenhagen, Councilmember




Clifford Peterson, Councilmember



Suzanne Vargas, Councilmember



Michael Costello, Councilmember

ATTEST:


Dale E. Novobielski, Clerk/Treasurer



Selah City Council

AGENDAY ITEM SUMMARY

Meeting Date: 11/23/2021	Action Item
Agenda Number: K-2	

Title: Approval of Claims and Payroll

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Approval

Staff Recommendation: To approve the consent agenda as written

Board/Commission Recommendation: Not Applicable

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: N/A

Recommended Motion: I move to approve the Consent Agenda Item

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
Click or tap to enter a date.	None



Selah City Council

AGENDAY ITEM SUMMARY

Meeting Date: 11/23/2021	Action Item
Agenda Number: N-1	

Title: Resolution Authorizing the Mayor to sign Task Order No. 2021-12 between the City of Selah and HLA Engineering and Land Surveying, Inc., for Engineering and Surveying Services for the Valleyview Avenue, South Third Street, Southern Avenue Sewer Improvements Project.

From: Rocky Wallace, Public Works Director

Action Requested: Approval

Staff Recommendation: To approve the attached Resolution in the form presented

Board/Commission Recommendation: Not Applicable

Fiscal Impact: \$5,000.00 for additional design engineering and \$65,000.00 for construction engineering services.

Funding Source: Fund 415

Background/Findings/Facts: The intent of this Task Order is to add additional sewer improvements and to update the costs of the construction engineering services to current rates from the previous Task Order 2014-02. The City approved Task Order 2014-02 on June 10, 2014. The additional design work is to re-route sewer flow from Southern Avenue across South First Street to Eleventh Avenue. This will re-route flows from the southern portion of the City along the shortest route to the wastewater treatment plant. The improvement will alleviate sewer line deficiencies with the existing collection system.

Recommended Motion: I move to approve the Ordinance as written

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
6/10/2021	Resolution No. 2400 authorizing the Mayor to approve Task order 2014-2 between the City of Selah and Huibregtse Louman & Associates Inc. for Engineering and Surveying services for Valleyview Avenue, South Third Street and Southern Avenue Sewer Improvements Project

RESOLUTION NO. 2878

RESOLUTION AUTHORIZING THE MAYOR TO SIGN TASK ORDER NO. 2021-12 BETWEEN THE CITY OF SELAH AND HLA ENGINEERING AND LAND SURVEYING, INC., FOR ENGINEERING AND SURVEYING SERVICES FOR THE VALLEYVIEW AVENUE, SOUTH THIRD STREET, SOUTHERN AVENUE SEWER IMPROVEMENTS PROJECT.

WHEREAS, the City of Selah wishes to replace approximately 2,600 linear feet of 60-year old 8-inch sewer main that is located in or beneath Valleyview Avenue, South Third Street and Southern Avenue, with 700 linear feet of new 12-inch and 1,900 linear feet of new 8-inch PVC sewer main, and also to re-route the sewer flow from Southern Avenue across South First Street to Eleventh Avenue through 150 linear feet of new 12-inch sewer main; and

WHEREAS, the City of Selah desires to enter into a written Task Order agreement with HLA Engineering and Land Surveying, Inc., for HLA to perform engineering and surveying services as part of this project;


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor be and is authorized to sign Task Order 2021-12 with HLA Engineering and Land Surveying, Inc., for the Valleyview Avenue, South Third Street, Southern Avenue Sewer Improvements Project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 23rd day of November, 2021.




Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney

TASK ORDER NO. 2021-12

REGARDING GENERAL AGREEMENT BETWEEN CITY OF SELAH

AND

HLA ENGINEERING AND LAND SURVEYING, INC. (HLA)

PROJECT DESCRIPTION:

Valleyview Avenue, South Third Street, and Southern Avenue Sewer Improvements

HLA Project No. 21236 (Replaces Task Order 2014-02 for HLA Project No. 14065E dated 6/12/14)

The intent of this Task Order is to add additional sewer improvements and to update the Services During Construction phase costs to current rates to the previous Task Order 2014-02. Upon execution of this Task Order, the original agreement (Task Order 2014-02) will be canceled and closed.

Original Description of Work

The City of Selah (CITY) desires to replace 2,600 linear feet of 60-year-old 8-inch sewer mains in Valleyview Avenue, South Third Street, and Southern Avenue with 700 linear feet of new 12-inch and 1,900 linear feet of new 8-inch PVC sewer main. The project also includes new side sewer services, new manholes, and surface repair.

Additional Work

Re-route the sewer flow from Southern Avenue across South First Street to Eleventh Avenue through 150 linear feet of new 12-inch sewer line, traveling north through an alley north of Tenth Avenue and east to the Burlington Northern Santa Fe Railroad right-of-way, then north towards the wastewater treatment plant. This will re-route flows from the southern portion of the City along the shortest route to the wastewater treatment plant and will alleviate sewer line deficiencies within the existing collection system.

In the future, it will be necessary to replace existing 10-inch sewer beginning at the manhole north and east of Tenth Avenue to the wastewater treatment plant with a 15-inch sewer main for future capacity.

Construction is anticipated in Spring 2023 in conjunction with Third Street Improvements.

SCOPE OF SERVICES:

At the direction of the CITY, HLA will provide professional engineering, surveying, and construction engineering services for the Valleyview Avenue, South Third Street, and Southern Avenue Sewer Improvement project (PROJECT). HLA shall provide the following services:

1.0 Design Engineering

- 1.1 Conduct a topographic survey of the added PROJECT areas as required to complete design, plans, and specifications, including call for utility locates.
- 1.2 Perform field investigations necessary to design the added sewer improvements, including field checking topographic survey.
- 1.3 Perform preliminary design and submit 30% preliminary plans to the CITY.
- 1.4 Following receipt of 30% plan review comments by the CITY, prepare 60% design plans and submit to the CITY for review.
- 1.5 Review and discuss 60% design plans with CITY staff.

- 1.6 Following receipt of 60% plan review comments by the CITY, prepare 90% design plans, cost estimate, and specifications, and submit to the CITY for review.
- 1.7 Following receipt of 90% plan review comments by the CITY, perform final design, and prepare complete plans and specifications for publicly bid improvements, as authorized by the CITY.
- 1.8 Prepare the Engineer's Estimate of construction cost.
- 1.9 Following receipt of authorization from CITY, prepare advertisement for bids and transmit to newspapers as selected by the CITY. Advertising fees to be paid by the CITY.
- 1.10 Furnish the CITY electronic copies of the final plans and specifications for bidding and construction. It is anticipated HLA will prepare one (1) complete set of plans and specifications for one bid call; additional bid packages will be considered additional services. Six (6) printed copies of the contract documents will be made for later distribution to the CITY and Contractor after contracts are awarded.
- 1.11 Post contract plans and specifications to the HLA website for bidding purposes.
- 1.12 Prepare and maintain planholders list, including CITY staff, private utility companies, and plan centers.
- 1.13 Answer and supply such information as requested by prospective bidders.
- 1.14 Prepare and issue addenda, if necessary.
- 1.15 Attend bid opening and participate in the bid evaluation process.
- 1.16 Prepare tabulation of all bids received by the CITY and review bidder's qualifications.
- 1.17 Make recommendation of construction contract award to the lowest responsible bidder.

2.0 Construction Engineering

Construction engineering will be completed with the assumption that sewer improvements will be constructed within a roadway or water system improvement project and not as a stand-alone project. Construction engineering services include the following:

- 2.1 Prepare and issue Notice of Award to the Contractor.
- 2.2 Coordinate execution of the Contract with the CITY and Contractor, including review of bond and insurance requirements.
- 2.3 Coordinate and facilitate preconstruction meeting with the CITY, Contractor, private utilities, and affected agencies.
- 2.4 Prepare and issue Notice to Proceed to the Contractor.
- 2.5 Furnish the field survey crew necessary to set horizontal and vertical control for the PROJECT site.
- 2.6 Furnish a qualified resident engineer (inspector) to observe construction at the PROJECT site during all significant work. The resident engineer shall provide surveillance of construction for substantial compliance with plans and specifications.
- 2.7 Perform measurement and computation of pay items; prepare and file progress reports on the PROJECT with the CITY, and provide monthly progress pay estimates to the CITY.
- 2.8 Consult and advise the CITY during construction and make a final report of the completed work.

- 2.9 The CITY is required to monitor the Contractor's payment of prevailing wage rates. As part of construction services, HLA will monitor General Contractor and Subcontractor compliance with State labor standards during construction of the PROJECT. This work includes checking monthly certified payrolls, conducting employee interviews in the field, and issuing letters of non-compliance and/or letters of missing documents.
- 2.10 Review Contractor's submission of samples and shop drawings, where applicable.
- 2.11 Review materials testing results for compliance with plans and specifications.
- 2.12 Recommend progress payments for the Contractor to the CITY.
- 2.13 Prepare weekly statement of working days.
- 2.14 Prepare and submit proposed contract change orders when applicable.
- 2.15 Perform final walk-through with the CITY and Contractor, and issue final punch list.
- 2.16 Prepare and furnish reproducible record drawings of all completed work from as-built drawings furnished by the resident engineer and Contractor.
- 2.17 Prepare and submit recommendation of project acceptance and Notice of Completion of Public Works Contract (NOC) for CITY review and processing.

3.0 Additional Services

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

4.0 Items to be Furnished and Responsibility of CITY

The CITY will provide or perform the following:

- 4.1 Provide full information as to CITY requirements of the PROJECT.
- 4.2 Assist HLA by placing at their disposal 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.
- 4.3 Contact property owners affected by the PROJECT and gain necessary access to property for field investigation, design, and construction of improvements.
- 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 such other individuals or bodies as necessary for completion of the PROJECT.
- 4.6 Pay for project bid advertisement costs.
- 4.7 Pay for all necessary testing costs and permit fees.

TIME OF PERFORMANCE:

HLA will diligently pursue completion of the PROJECT with the following schedule anticipated:

1.0 Design Engineering

The additional topographic survey shall be completed within thirty (30) working days following receipt of the signed Task Order. Each successive plan review set (30%, 60%, 90%, and final) shall be completed within thirty (30) working days of comment receipt from that previously submitted set.

2.0 Construction Engineering

Construction engineering for the PROJECT shall begin upon construction contract award by the CITY to the lowest responsible bidder and shall extend through both the completion of construction and completion of record drawings and labor documentation closeout, as requested, and directed by the CITY. A maximum of twenty-five (25) working days has been assumed for the construction of the sewer improvements, which will be constructed during the one hundred twenty-five (125) working day road project; or a total of one hundred fifty (150) working days. Should the Contractor be granted time extensions for construction completion due to recognized delays, requested additional work, and/or change orders, engineering services beyond the twenty-five (25) working days shall be considered additional services.

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 service is requested by the CITY.

FEE FOR SERVICE:

1.0 Design Engineering

All work for design engineering services shall be completed on a time-spent basis at the normal hourly billing rates in affect at the time of service, for the estimated maximum fee of \$5,000.00 (the amount previously paid under Task Order 2014-02 was \$31,600.00).


2.0 Construction Engineering

All work for construction engineering services shall be completed on a time-spent basis at the normal hourly billing rates in affect at the time of service, for the estimate maximum fee of \$65,000.00.

3.0 Additional Services

Additional services requested by the CITY not included above shall be authorized by the CITY and agreed upon by HLA in writing prior to proceeding with services. HLA will perform 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.

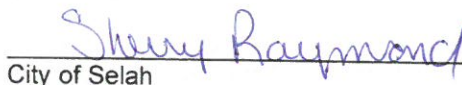
Proposed:



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

11/9/2021
Date

Approved:



City of Selah
Sherry Raymond, Mayor

11-23-21
Date



Selah City Council

AGENDAY ITEM SUMMARY

Meeting Date: 11/23/2021	Action Item
Agenda Number: N-2	

Title: Resolution Authorizing the Mayor to sign a Settlement and Release Agreement with former City Administrator Donald Wayman, and to Effectuate the Settlement Specified Therein

From: Rob Case

Action Requested: Approval

Staff Recommendation: To approve the attached Resolution in the form presented

Board/Commission Recommendation: Not Applicable

Fiscal Impact: \$350,000 as the financial component of the settlement, of which the City's risk pool insurer (WCIA) will pay \$250,000

Funding Source: Fund 001

Background/Findings/Facts: On May 25, 2021, the Mayor terminated the employment of then-City Administrator Donald Wayman. Subsequently, Mr. Wayman advanced multiple tort allegations and claims concerning the termination. The City's risk insurance pool (WCIA) retained attorney Mike Bolasina to represent the City in regard to Mr. Wayman's allegations and claims. The two sides attended a mediation on November 5, 2021. A "Settlement and Release Agreement" was prepared and it has been signed by Mr. Wayman. The Mayor and the City's risk insurance pool are now asking the City Council to authorize the Mayor to sign the Agreement and to effectuate the settlement specified therein. The primary component of the settlement will be the payment of \$350,000.00 to Mr. Wayman as a gross lump sum. The City's risk insurance pool will pay \$250,000.00 of the total, and the City will pay the other \$100,000.00 from its general funds. A copy of the Agreement is submitted herewith. City Attorney Rob Case did not play any role in negotiating this settlement or drafting the Agreement.

Recommended Motion: I move to approve the Resolution in the form presented

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
Click or tap to enter a date.	None

RESOLUTION NO. 2879

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A SETTLEMENT AGREEMENT AND
RELEASE WITH FORMER CITY ADMINISTRATOR DONALD WAYMAN, AND TO
EFFECTUATE THE SETTLEMENT SPECIFIED THEREIN**

WHEREAS, on May 25, 2021, the Mayor terminated the employment of then-City Administrator Donald Wayman; and

WHEREAS, Mr. Wayman subsequently advanced multiple tort allegations and claims concerning the termination; and

WHEREAS, the City's risk insurance pool (WCIA) retained attorney Mike Bolasina to represent the City in regard to Mr. Wayman's allegations and claims; and

WHEREAS, the two sides attended a mediation on November 5, 2021, and an "Settlement Agreement and Release" was then prepared; and

WHEREAS, Mr. Wayman has already signed the Agreement, and the Mayor and the City's risk insurance pool are now asking the City Council to authorize the Mayor to sign the Agreement and to effectuate the settlement specified therein;

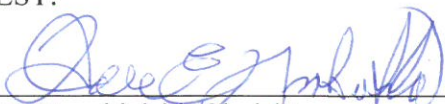
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor be and is authorized to sign the Settlement Agreement and Release with Mr. Wayman and to effectuate the settlement specified therein.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 23rd day of November, 2021.



Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney

SETTLEMENT AND RELEASE AGREEMENT

THIS AGREEMENT is made and entered into this 11th day of November, 2021, by and between the City of Selah (the "City") and Donald Wayman ("Mr. Wayman").

RECITALS:

WHEREAS, Mr. Wayman was employed by the City as its city administrator; and

WHEREAS, on May 25, 2021, Mayor Sherry Raymond terminated Mr. Wayman's employment; and

WHEREAS, Mr. Wayman alleged that he was terminated in retaliation for whistleblowing activity, and requested a hearing before the Office of Administrative hearings, which was scheduled for January 10, 2022; and

WHEREAS, Mr. Wayman also alleged that he was terminated in retaliation for oppositional activity in violation of RCW 49.60.210, and threatened to make claims based on alleged statutory; and

WHEREAS, Mr. Wayman is represented by William Pickett, Esq. of The Pickett Law Firm; and

WHEREAS, the City and Mr. Wayman attended a mediation before retired judge Paris Kallas on November 5, 2021; and

WHEREAS, to assist him in transitioning to his next position, the City has offered Mr. Wayman the following benefits if he signs and does not revoke this Agreement; and

WHEREAS, Mr. Wayman and the City acknowledge that this Agreement is subject to approval by a majority of the Selah City Council at an open public meeting, and the Agreement is null and void if the City Council refuses to approve it; and

NOW THEREFORE, the City and Mr. Wayman mutually agree as follows:

1. If Mr. Wayman signs this Agreement and does not revoke it pursuant to Paragraph 10 below, Mr. Wayman shall receive the following separation benefits:
 - a. The sum of three hundred fifty thousand dollars (\$350,000.00) (hereinafter, "Total Settlement Amount") shall be paid to Mr. Wayman for general damages and attorney's fees and costs associated with his claims. A check for the Total Settlement Amount made payable to "Trust Account of Pickett Law Firm in trust for Donald Wayman" shall be delivered to William Pickett, Esq. on the later of December 5, 2021, or after the end of the revocation period set forth in Paragraph 10 below.
 - b. Mayor Raymond and council person Roger Bell will provide Mr. Wayman with letters of reference that comment positively on his performance as city administrator.
 - c. If contacted by a prospective employer of Mr. Wayman, the employer will be referred to Mayor Raymond or her successor in office who will provide only the following information: Mr. Wayman's position, start and end dates, and salary. Mayor Raymond or her successor will offer to provide the caller with copies of the letters of reference written by her and council person Bell.

2. In exchange for the consideration set forth in Paragraphs 1(a) through 1(c), Mr. Wayman forever releases and discharges the City, its past and present council persons, elected officials, officers, employees, attorneys, agents, affiliates, assigns, insurers, and successors, any other person acting on the City's behalf ("Releasees") from any and all claims, whether known or unknown, suspected or unsuspected, arising out of Mr. Wayman's employment with the City or separation therefrom, or arising on or before the date of this Agreement. This release shall include any claims arising under any federal, state, or local law prohibiting discrimination, harassment, or retaliation in employment, including claims for age discrimination under the ADEA or WLAD, as well as any claims for breach of contract, defamation, constitutional violations, FMLA interference, unpaid wages, salary, or other sums, emotional distress, personal injury, attorneys' fees, violation of the public records act, or any other statutory or common law claims.
3. In exchange for the consideration set forth in Paragraphs 1(a) through 1(c), Mr. Wayman shall dismiss with prejudice the whistleblower retaliation claim currently on file with the Office of Administrative Hearings. Mr. Wayman and the City agree to pay their own attorney's fees and costs associated with the hearing.
4. It is further understood that Mr. Wayman agrees to indemnify and hold harmless the City from any and all claims that may be brought by or on behalf of Mr. Wayman, his descendants, ancestors, dependents, heirs, executors, administrators, assigns and successors, or each or any of them, that arise from his employment at the City or separation therefrom arising on or before the date of this Agreement.
5. Mr. Wayman and the City agree that neither will initiate disclosure of this Agreement or the terms contained therein to third parties, except that Mr. Wayman may disclose this Agreement to members of his immediate family, tax advisors, legal advisors, and other professional advisors. However, Mr. Wayman and the City acknowledge that this agreement is a public record that is subject to disclosure upon request.
6. Mr. Wayman may file a charge with the Equal Employment Opportunity Commission or Washington Human Rights Commission regarding any claim of discrimination, harassment, or retaliation associated with his employment with the City. However, Mr. Wayman agrees not to seek or accept any damages from the City recovered from any administrative proceeding prosecuted by the Equal Employment Opportunity Commission or Washington Human Rights Commission.
7. Mr. Wayman and the City acknowledge that settlement of these claims is important for Mr. Wayman to move forward with his life, for the City to direct its efforts and resources to serving its residents, and for both Mr. Wayman and the City to conserve the cost that could be incurred as the result of protracted litigation. Mr. Wayman and the City acknowledge that their respective decisions to enter into this Agreement do not constitute an admission by any party that he or it has acted wrongfully with respect to any other party or any other person or entity or that any party has any rights whatsoever against any other party. Mr. Wayman and the City further acknowledge that the settlement is not to be construed as an admission of liability by the other, which is denied.
8. Mr. Wayman will hold harmless and indemnify the City if there is any liability, penalties, or fees associated with Mr. Wayman's nonpayment of any taxes owed on any sums paid to Mr. Wayman in accordance of this Agreement, except for the employer portion of payroll taxes.
9. Mr. Wayman and Mayor Raymond mutually agree to refrain from disparaging or commenting

negatively about one another to third parties. This provision does not prohibit either Mr. Wayman or Mayor Raymond from testifying truthfully in any legal proceeding where the witness is providing oral or written testimony under oath.

10. Mr. Wayman acknowledges that:

a. Pursuant to applicable law, he has been offered the opportunity to review a copy of this Agreement for a period of twenty-one (21) days (the "Review Period");

b. The City advised Mr. Wayman to consult with an attorney of his choice prior to signing the Agreement; and

c. The terms and conditions of this Agreement have not been amended, modified, or revoked during the Review Period. The City agrees that Mr. Wayman shall have seven (7) calendar days (the "Revocation Period") following the date on which Mr. Wayman signs this Agreement to revoke his acceptance of the Agreement, and this Agreement shall not become effective until the Revocation Period has expired.

11. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any dispute arises regarding the terms of this Agreement, the parties specifically understand and mutually agree that the dispute shall be decided by retired judge Paris Kallas, with each party paying its own fees and costs to resolve such dispute.

12. I HAVE READ AND UNDERSTAND THE FOREGOING TERMS OF THIS AGREEMENT. I UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I AM WAIVING CERTAIN RIGHTS. I FREELY AND EXPRESSLY ACCEPT AND AGREE TO ALL OF THE TERMS AND CONDITIONS OF THIS SEPARATION AGREEMENT, RELEASE AND HOLD HARMLESS.

DATED this 23 day of November, 2021

The City of Selah

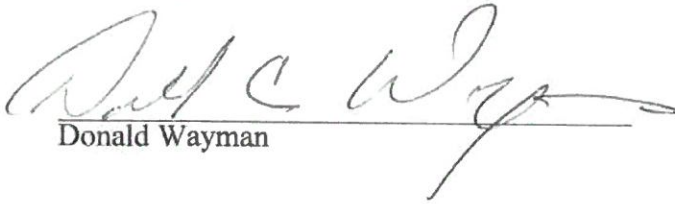


Sherry Raymond, Mayor,

After approval by the Selah City Council at an open public meeting

DATED this 11th day of November, 2021.

EMPLOYEE



Donald Wayman



Selah City Council

AGENDAY ITEM SUMMARY

Meeting Date: 11/23/2021	Action Item
Agenda Number: O-1	

Title: Ordinance to Establish the Amount of Taxes to be Levied Upon Real and Personal Property in the City of Selah, Yakima County, Washington, and Fixing the Tax Levy for the Year 2022.

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Approval

Staff Recommendation: Approve Ordinance

Board/Commission Recommendation: Not Applicable

Fiscal Impact: Total \$ 2,243,062 Fund 001 General \$ 1,428,799, 103 Fire Control \$ 624,612 and 110 City Street \$ 189,651.

Funding Source:

Background/Findings/Facts: I move to approve the Ordinance as Written

Recommended Motion:

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
Click or tap to enter a date.	None

ORDINANCE NO. 2146

ORDINANCE TO ESTABLISH THE AMOUNT OF TAXES TO BE LEVIED UPON THE REAL AND PERSONAL PROPERTY IN THE CITY OF SELAH, YAKIMA COUNTY, WASHINGTON, AND FIXING THE TAX LEVY FOR THE YEAR 2022

WHEREAS, the City Council has held a Public Hearing on the revenue sources for the coming year's budget, including consideration of possible increases in property tax revenues for the 2022 calendar year; and

WHEREAS, the assessed valuation for the City is preliminary and is subject to change.

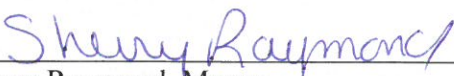
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH does ordain as follows:

The City Council of the City of Selah, Washington, does make, determine and levy the amount of taxes to be assessed in 2021 against real and personal property situated within the corporate limits of the City as follows:


REGULAR LEVY \$ 2,243,062*

*The regular levy request is a \$ 59,706 increase from the 2021 levy amount consisting of a 1 % increase of that same 2021 levy amount, plus any amount allowed for new construction and increase in state assessed values.


PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 23rd day of November, 2021.


Sherry Raymond, Mayor

ATTEST:


Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:


Rob Case, City Attorney



Selah City Council

AGENDAY ITEM SUMMARY

Meeting Date: 11/23/2021	Action Item
Agenda Number: O-2	

Title: Ordinance Amending the 2021 Budget for a Water Service Meter Improvements Project

From: Dale Novobielski

Action Requested: Approval

Staff Recommendation: Approve Ordinance

Board/Commission Recommendation: Not Applicable

Fiscal Impact: \$30,000

Funding Source: Fund 461 Water Reserve

Background/Findings/Facts:

Recommended Motion: I move to approve the Ordinance as written

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
10/12/2021	City Council approved a Task Order with HLA Engineering and Land Surveying, Inc to provide engineering services for a Water Service Meter Improvements project.

ORDINANCE NO. 2147

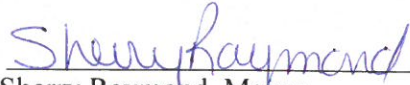
AN ORDINANCE AMENDING THE 2021 BUDGET FOR A WATER SERVICE METER IMPROVEMENTS PROJECT

WHEREAS, the City desires to adjust the 2021 Budget for a water service meter improvements project;

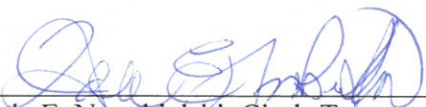
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2021 Budget as follows:

411 Water		
411.000.034.397.00.00.00	Operating Transfers-In	\$ 30,000
411.000.094.597.65.44.00	PWTF Water Meter Replacement	\$ 30,000
461 Water Reserve		
461.000.097.597.80.00.00	Operating Transfers-Out – F411 Water	\$ 30,000
461.000.008.508.12.00.00	New Ending Reserved C & I – Auto Mtr Read	\$ 227,715

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 23rd day of November 2021.


Sherry Raymond, Mayor

ATTEST:


Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:


Rob Case, City Attorney



Selah City Council

AGENDAY ITEM SUMMARY

Meeting Date: 11/23/2021	Action Item
Agenda Number: Q-4	

Title: Approved minutes from October 5th Planning Commission Meeting

From: Makenzie Hoff, Planning and Building Permit Specialist

Action Requested: Informational - No Action Needed

Staff Recommendation: N/A

Board/Commission Recommendation: Not Applicable

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: N/A

Recommended Motion: Not Applicable

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
Click or tap to enter a date.	None

City of Selah
Planning Commission Minutes
Of
October 5, 2021

A. Call to Order

Chairman Smith calls the meeting to order at 5:38 pm.

B. Roll Call:

Members Present: Chairman Smith, Commissioners Swayze and Goodall.

Members Absent: Vice Chairman Torkelson and Commissioner Peterson

Staff Present: Jeff Peters, City Planner; Makenzie Hoff, Minutes Secretary

Guest: Scott and Victoria Catron, property owners at 705 and 705 ½ Bartlett Ave and Thomas Durant with PLSA Engineering & Surveying

C. Agenda Changes- *None*

D. Communications:

1. Oral - Mr. Peters states for the record that Vice Chairman Torkelson and Commissioner Peterson provided the City with notice that they would not be able to attend tonight's meeting. Staff recommends a motion to excuse the absences.

Chairman Smith motions to excuse their absences.

Commissioner Swayze seconds.

Motion passed unanimously with a voice vote of 3-0.

Chairman Smith states for the record that this is a meeting held via Zoom due to COVID-19.

Chairman Smith invites the members of the public who are present to address anything that is not on the agenda.

Let the record show that no public comment was made.

2. Written - *None*

E. Approval of Minutes

1. *Approval of minutes from August 3, 2021.*

Chairman Smith asks for a motion to approve the minutes from the August 3, 2021 meeting.

Chairman Swayze motions to approve.

Commissioner Goodall seconds.

Minutes are approved with a voice vote of 3-0.

F. General Business

1. Old Business - *None*
2. New Business -*Review and Discussion of Comprehensive Plan Map Amendment and Approval Criteria (approximately 30 minutes).*

Mr. Peters reads verbatim from the Planning Commission Quasi-Judicial Public Hearing Procedures and Requirements.

G. Public Hearings

1. *2021 Comp Plan Amendment, Rezone, and Environmental Review – Applicant: City of Selah, City File Numbers COMP-2021-001, 914-2021-003, & SEPA-2021-007.*

Mr. Peters reads verbatim from the Staff Report.

Based on the findings, staff recommends approval of the 2021 Comp Plan Amendment and Rezone.

Chairman Smith asks if any of the Planning Commission Members have further comment.

There is no further comment.

Chairman Smith motions to approve.

Commissioner Goodall Seconds.

Motion passes with a voice vote of 3-0.

2. *2021 Comp Plan Amendment, Rezone, and Environmental Review – Applicant: Scott & Victoria Catron, Notice of Application: COMP-2021-002, 914-2021-001, & SEPA-2021-005.*

Mr. Peters states that since the next 2 items are not City Owned Properties, if the Planning Commission would disclose any preconceived opinions they might have about these applications.

Planning Commission Members do not have any preconceived opinions and have not done a site visit.

Mr. Peters clarifies Mr. & Mrs. Catron's last name since it appeared differently on Zoom.

Mr. & Mrs. Catron confirmed their last name is Catron.

Mr. Peters reads verbatim from the Staff Report.

Based on the findings, staff recommends approval of the 2021 Comp Plan Amendment and Rezone.

Planning Commission Members agree that this is pretty straight forward.

Chairman Smith wants to be sure that it is on record that the reason this is being approved is because the duplex was built in 1925, prior to zoning that happened in 1994, which is why it is being changed to R-2 despite most of the neighborhood being R-1.

Mr. Peters explains the different ways City's generally deal with these situations, and what has been happening more recently with lending institutions regarding properties with a Legal Nonconforming Use status, and not being able to rebuild them as they once were, should they burn down and are destroyed more than 50%.

Chairman Smith asks if the property owners have anything they would like to add.

Mr. & Mrs. Catron thank the staff and Planning Commission and state they are very grateful for the approval.

Chairman Smith asks if any other member of the public would like to comment.

There is no further comment.

Chairman Smith asks for a motion to approve.

Commissioner Goodall motions to approve.

Commissioner Swayze seconds.

Motion is approved with a voice vote of 3-0.

3. 2021 Comp Plan Amendment, Rezone, and Environmental Review – Applicant: 310 Partners, LLC, Notice of Application: COMP-2021-003, 914-2021-002, & SEPA-2021-006.

Mr. Peters reads verbatim from the Staff Report.

Chairman Smith confirms that in an R-2 zone, developers can build up to 12 units per acer.

Jeff states that is correct, but there are restrictions, and they have to go through a Conditional Use Permit process. The R-2 property also has a higher lot coverage percentage.

Chairman Smith asks to confirm that on the E of this property, it is zoned R-2, and there are already duplexes there. And on the W side, it's all R-1.

Mr. Peters states, no, the properties are mainly zoned R-2 around the whole neighborhood.

Chairman Smith asks what is currently surrounding the property, single family homes, or...?

Mr. Peters references pg. 1 of the Staff Report. The surrounding neighborhood has 21 single family homes, 3 duplex dwellings, and 3 multi-unit/ multi-family developments.

Chairman Smith asks what specifically is surrounding this property.

Mr. Peters references pg. 2 of the Staff Report, to the North is Wixon Park, to the South is a vacant single family house, East of the property is moderate-density residential (R-2) with single-family and duplexes, and West of the property is a mix of single family homes and multi-family homes.

Chairman Smith asks to clarify if the properties adjacent to this property, East and West are single family or duplexes.

Commissioner Goodall states, East is duplexes, and West is single family homes.

Mr. Peters states that is correct. He states that the comment is from the person across the street.

Commissioner Goodall states that going down the list from the comment that was received, he doesn't see how any of it is actually valid, at all, which everyone is probably in agreement on. That whole neighborhood is peppered with duplexes and apartment complexes. Within a couple blocks of this property you pretty much have everything within those couple of blocks.

Mr. Peters states that he drove around the area and fact checked his GIS Map. The character of the neighborhood is declining, so you see these other types of uses coming in. The area was purposely zoned with a higher density back when zoning first occurred so the neighborhood could move towards that.

Commissioner Goodall states that it has, and that is exactly what has happened.

Commissioner Swayze states that it is conducive to the high density now.

Chairman Smith added that it probably is for future lots as well.

Commissioner Goodall agreed.

Chairman Smith asks to clarify building height in the R-3 zone.

While Mr. Peters double checks Selah Municipal Code (SMC), Commissioner Goodall states that you also have to factor in what is currently in that neighborhood. There are a lot of homes on their last leg, and frankly he is familiar with 4 based off memory. He's felt that the area down there is just a natural transition to higher density.

Chairman Smith and Commissioner Goodall agree that South of the park and pool seems like it's a natural transition to higher density.

Mr. Peters states that building height is unlimited in R-3.

Chairman Smith states that might be something to look at within the next year or so, whenever we get back into in person meetings. She goes on to note that the unlimited building height is probably the only valid argument with the comment that was received. Any builder would have to provide adequate parking for their units, and the infrastructure is just fine.

Mr. Peters refers to the GIS Map at the surrounding neighborhood, it is a mixture. The property across the street is not well kept, along with the surrounding neighborhood. Anything that a developer is going to put in, will look better than anything that is currently surrounding. There is junk vehicles on the corner of one lot, and two houses down it's a nice and well-kept single family dwelling, and then two more units down the road it's not well kept again. It wouldn't be out of character to have a nice, multi-family unit to be built there. The development standard would make sure there are appropriate parking, setbacks, and other improvements to the side street. He continues on to the last item of the Staff Report.

Based on the findings, staff recommends approval of the 2021 Comp Plan Amendment and Rezone.

Chairman Smith asks if Rich or Amy have any additional comments or concerns.

Commissioner Swayze states she thinks the City needs this.

Chairman Smith asks if Tom Durant has any comments.

Tom Durant, Planning Manager for PLSA states he does not have too much to add, the staff did a thorough job of explaining. He states that this is the easiest Comp Plan to justify that he has done. That area already has the highest density in the City. There is a need for this type of housing, and a lack of it within Selah City Limits. He stated that looking at an aerial photo of the area, that this entire area is a mixture of various types of density. He would characterize it as a mixed density neighborhood and adding additional higher density units is not incompatible with the area. Also, in the 2015 Comprehensive Plan, on pg. 212, it says that one of the densest areas is close to this property, between 6th & 3rd, between Riverview and Pleasant. This area is not much different.

Chairman Smith asks for a motion to approve.

Commissioner Goodall motions to approve.

Commissioner Swayze seconds.

Motion is approved with a voice vote of 3-0.

H. Reports/Announcements

1. Chairman – *None*

3. Commissioners – *None*

3. Staff - *Planning/Building Department Updates*

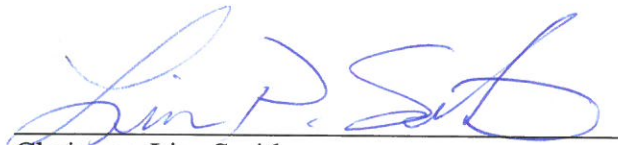
Mr. Peters states that Planning and Building Department Updates.

H. Adjournment

Chairman Smith motions to adjourn.

Commissioner Goodall seconds.

Chairman Smith adjourns the meeting at 7:21 p.m. with a voice vote of 3-0.



Chairman Lisa Smith

COUNCIL ROLL CALL LIST

Meeting Date: 11.23.21

YES	ATTENDANCE	NO
✓	Kevin Wickenhagen	
✓	Jacque Matson	
✓	Suzanne Vargas	
✓	Clifford Peterson	
✓	Roger Bell	
✓	Michael Costello	
	Russell Carlson	ABS.

YES	AIS:	NO
	Kevin Wickenhagen	
	Jacque Matson	
	Suzanne Vargas	
	Clifford Peterson	
	Roger Bell	
	Michael Costello	
	Russell Carlson	

UNAN

YES	AIS: N-1	NO
✓	Kevin Wickenhagen	
✓	Jacque Matson	
✓	Suzanne Vargas	
✓	Clifford Peterson	
✓	Roger Bell	
✓	Michael Costello	
	Russell Carlson	

YES	AIS:	NO
	Kevin Wickenhagen	
	Jacque Matson	
	Suzanne Vargas	
	Clifford Peterson	
	Roger Bell	
	Michael Costello	
	Russell Carlson	

UNAN

YES	AIS: om N-2	NO
✓	Kevin Wickenhagen	
✓	Jacque Matson	
✓	Suzanne Vargas	
✓	Clifford Peterson	
✓	Roger Bell	
✓	Michael Costello	
	Russell Carlson	

YES	AIS:	NO
	Kevin Wickenhagen	
	Jacque Matson	
	Suzanne Vargas	
	Clifford Peterson	
	Roger Bell	
	Michael Costello	
	Russell Carlson	

UNAN

YES	AIS: 0-1	NO
✓	Kevin Wickenhagen	
✓	Jacque Matson	
✓	Suzanne Vargas	
✓	Clifford Peterson	
✓	Roger Bell	
✓	Michael Costello	
	Russell Carlson	

YES	AIS:	NO
	Kevin Wickenhagen	
	Jacque Matson	
	Suzanne Vargas	
	Clifford Peterson	
	Roger Bell	
	Michael Costello	
	Russell Carlson	

UNAN

YES	AIS: 0-2	NO
✓	Kevin Wickenhagen	
✓	Jacque Matson	
✓	Suzanne Vargas	
✓	Clifford Peterson	
✓	Roger Bell	
✓	Michael Costello	
	Russell Carlson	

YES	AIS:	NO
	Kevin Wickenhagen	
	Jacque Matson	
	Suzanne Vargas	
	Clifford Peterson	
	Roger Bell	
	Michael Costello	
	Russell Carlson	