

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
April 28, 2008

- Call to Order Mayor Lemon called the Regular Meeting of the Union Gap City Council to order at 7:00 p.m.
- Council Members Present Council Members David Butler, Dan Olson, Glenn Bateman, Dan Vanover, Roger Wentz, Dave Matson, and James Murr were present.
- Staff Present Robert Noe, City Attorney; Dennis Henne, Public Works Director; Robert Almeida, Police Chief; Keith Yamane, Fire Chief; William Rathbone, Development Coordinator; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Joe & Linda Jackson, Nancy Krause, Debbie Matson, Michael & Joshua Murr, Stephanie Korn, Ray Kempf, John Hodkinson, Phil Salzman, Dawn & Nicholas Lemon, Mary Ann Lockhart, John Cooper, Jack Galloway, and others were present.
- Pledge of Allegiance Council Member Bateman led the Pledge of Allegiance.
- Consent Agenda Motion by Council Member Vanover, seconded by Council Member Olson to approve the consent agenda, as follows:
- Approve the Regular Council Meeting Minutes, dated April 14, 2008, as sent out on pages 4781 through 4786 of the Minute Book.
- Approve Claim Voucher Nos. 71585 through 71678 in the amount of \$298,800.92 dated April 28, 2008 and transfer from the operating funds to the Claims Fund.
- Motion carried unanimously.
- Ordinance No. 2557 – Amending Municipal Code – Adopting Revised Building Codes and Fee Schedules The Development Coordinator explained this ordinance adopts the 2006 codes as required by State law, adds a cost of living increase to the fee schedule, and allows for an annual cost of living increase in the future.
- Motion by Council Member Butler, seconded by Council Member Wentz to adopt and publish Ordinance No. 2557, An Ordinance amending Title 14 of the Union Gap Municipal Code relating to building codes; adopting revised building codes as required by state law; adopting local option amendments; revising fee schedules; and establishing an effective date.
- Council Member Matson stated he likes the idea of our fees being right below Yakima’s fees, but questioned using the Seattle/Tacoma CPI because the cost of living is higher in Seattle/Tacoma, and he fears our rates will exceed everyone else in the area.
- The Development Coordinator explained the main difference in the cost of living between Seattle/Tacoma and here is the cost of housing. He informed Yakima also uses the Seattle/Tacoma CPI so our fees will always remain below Yakima’s.
- Mayor Lemon called for a vote on the motion to adopt and publish Ordinance No. 2557, An Ordinance amending Title 14 of the Union Gap Municipal Code relating to building codes; adopting revised building codes as required by state law; adopting local option amendments; revising fee schedules; and establishing an effective date. Motion carried unanimously.

Ordinance No. 2558 – Amending Municipal Code – Adopting 2006 International Fire Code and Fee Schedules

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt and publish Ordinance No. 2558, An Ordinance amending Title 13 of the Union Gap Municipal Code relating to fire codes; adopting the 2006 International Fire Code as required by state law; adopting local option amendments; and revising fee schedules. Motion carried unanimously.

Resolution No. 714 – Establishing Process For Reconsideration of Approved Ordinances and Resolutions

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 714, A Resolution establishing the process by which an approved ordinance or an approved resolution of the City Council may be brought to City Council for reconsideration and establishing a process by which previously codified ordinances and previously approved resolutions by prior City Councils may be brought to City Council for reconsideration. Motion carried: Council Members Butler, Vanover, Wentz, Matson, and Murr voting in favor; Council Members Olson and Bateman voting no.

Resolution No. 715 – Automatic Aid Agreement with Yakima County Fire Protection District No. 12 – West Valley

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 715, A Resolution authorizing the Mayor to sign an interlocal agreement with West Valley Fire (Yakima County Fire District No. 12) to provide for automatic aid.

Council Member Olson commented we have had automatic aid with Yakima and questioned if this is new with West Valley.

Mayor Lemon informed we have had mutual aid with Yakima, not automatic aid.

The Fire Chief stated this automatic aid with West Valley is for an area identified as South 42nd Avenue and Emma Lane because part of that area is in our Urban Growth Area. He informed we are working on obtaining automatic aid with Yakima and East Valley also.

Mayor Lemon called for a vote on the motion to adopt Resolution No. 715, A Resolution authorizing the Mayor to sign an interlocal agreement with West Valley Fire (Yakima County Fire District No. 12) to provide for automatic aid. Motion carried unanimously.

Resolution No. 716 – Memorandum of Understanding with Glaspey/Ahtanum, LLC for 16-inch Water Line Extension

Mayor Lemon informed this Memorandum of Understanding is the City agreeing to pay for the upsizing of a water line extension.

Council Member Wentz questioned if the \$17,000 is budgeted.

The Public Works Director informed the \$17,000 will come from the Infrastructure Reserve Fund, but is not specifically identified in the 2008 Budget.

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 716, A Resolution authorizing the Mayor to sign a memorandum of understanding with Glaspey/Ahtanum, LLC regarding the upsizing of water main piping and components from an 8” line to a 16” line; and authorizing the expenditure of up to \$17,000 from the Water/Sewer Infrastructure Reserve fund. Motion carried unanimously.

Request by Mike Hollingbery for Sewer Line Easement and Temporary Sewer Connection

Motion by Council Member Wentz, seconded by Council Member Vanover to authorize staff to establish a sewer easement and temporary sewer connection in Ahtanum Youth Park for Mike Hollingbery. Motion carried unanimously.

Recommendation of Lodging Tax Advisory Committee Regarding

Council Member Olson commented this proposal has been scaled down from the original \$17,000 proposal the Council reviewed.

Rooftop Advertising for Agricultural Museum

Council Member Butler informed the Ag Museum received three bids and this is the low bid.

Council Member Matson questioned what kind of letters would be used.

Council Member Butler informed these are painted letters, and the other proposals were for vinyl letters.

Council Member Matson questioned how long the letters would last.

Council Member Butler stated 15 – 20 years.

Motion by Council Member Olson, seconded by Council Member Vanover to approve the expenditure of up to \$6,800 from the Convention Center Reserve Fund for rooftop advertising for the Ag Museum, as recommended by the Lodging Tax Advisory Committee. Motion carried unanimously.

Recommendation from the Lodging Tax Advisory Committee Regarding Earmarking Funds for a Future Union Gap Convention Center

Motion by Council Member Wentz, seconded by Council Member Vanover to authorize the expenditure of up to \$8,000 from the Convention Center Reserve Fund to retain a consultant to conduct a feasibility study regarding the need for a City conference center, as recommended by the Lodging Tax Advisory Committee.

Council Member Olson commented there was a discussion in the Lodging Tax Advisory Committee minutes about a conference center instead of a convention center. He stated he agrees with this as long as the money can be used for a conference center, because he knows we need one and it would be a great asset for tourist promotion and for the community. He stated this is a lot of money for a feasibility study, but with the study the City will have something to take to Senator King and others to request funding.

Mayor Lemon called for a vote on the motion to authorize the expenditure of up to \$8,000 from the Convention Center Reserve Fund to retain a consultant to conduct a feasibility study regarding the need for a City conference center, as recommended by the Lodging Tax Advisory Committee. Motion carried unanimously.

Recommendation from Lodging Tax Advisory Committee Regarding Contract with Visitor & Convention Bureau

Motion by Council Member Vanover, seconded by Council Member Olson to continue with the existing Visitor & Convention Bureau agreement, as recommended by the Lodging Tax Advisory Committee. Motion carried unanimously.

Items from the Audience

Agricultural Museum. Ray Kempf, Ag Museum, thanked the Council for their support and invited the Council to come to the museum for a guided tour. He also asked Council Member Butler to thank the Lodging Tax Advisory Committee for their support.

Lodging Tax Advisory Committee. Council Member Olson questioned how many voting members are on the committee.

The City Clerk explained the voting members are Chairman Butler, Curtis King who represents the Central Washington State Fair Board, Tony Reise who represents the Ag Museum, Tom Denlea and Phil Christenson who represent the hotels/motels, and Christine Ritchey who represents the hotels/motels is an alternate.

Council Member Olson stated the minutes reflect the alternate participating in motions and seconds, and voting.

The City Clerk informed Ms Ritchey was recently appointed and may not know she is an alternate.

Council Member Wentz pointed out there were no close votes so it does not matter.

Departmental Reports

Mayor Lemon informed the following reports are in the packet and questioned if the Council has any questions of the departments: Public Works Department Status Report – March 2008; Police Department Status Report – March 2008; Fire Department Status Report – March 2008; New Businesses Report – March/April 2008.

Water Main Upsizing. The Public Works Director informed there is another individual working with staff regarding upsizing a water main. He stated his request was approved three years ago but he is just now ready for the project, so staff told him his request would have to come back to the City Council.

Update on Road Projects. Council Member Olson requested an update on the road projects.

Longfibre Road. The Public Works Director informed the Longfibre Road contract has been signed and the contractor is planning to start work next week. He stated the contractor is still trying to get the contractor to the west of our project to move his equipment.

Valley Mall Boulevard Phase III. The Public Works Director informed the contractor is planning to begin this project May 19th. He informed South 16th Avenue will be shut down approximately May 27th for about 6 months for two structures to be removed and for construction of a bridge. After the contractor finishes the work at South 16th Avenue, they will move to the roadway portion from South 3rd Avenue to South 10th Avenue.

Council Member Wentz commented at the Airport Board meeting, they were discussing starting the realignment of South 16th Avenue next spring.

The Public Works Director stated the last he heard, the Airport was planning to go out to bid this winter with construction in the spring.

Development of Agenda for May 12, 2008

Dog Ordinance. Council Member Wentz stated there is a dog ordinance for the agenda.

Council Member Matson questioned if the ordinance changes existing ordinances.

Council Member Wentz stated it clarifies the existing ordinance regarding one person having a maximum of 4 dogs, 4 chickens, and no roosters.

The City Attorney stated the ordinance also stiffens penalties for the dog owners.

Council Member Matson questioned if it addresses pit bulls.

Council Member Wentz stated only that owners must have a tag to have a pit bull.

Council Member Olson commented the ordinance needs to address the owners, not the dogs.

Communications/ Questions/Comments

Tourism Promoter Contract. Council Member Olson commented on the e-mail received from Tom Denlea of the Lodging Tax Advisory Committee. He stated Mr. Denlea wants the Tourism Promoter contract clarified to say the person takes direction from the Lodging Tax Advisory Committee. Council Member Olson stated if the committee supervisors the person and requests reports, the person will be considered an employee by Labor & Industries (L&I) and the Internal Revenue Service (IRS). He stated the City will need to give them a

scope of work and let them work independently.

Council Member Wentz stated contractors are required to give reports. The City Attorney informed reporting to a supervisor is different than submitting a written report.

Council Member Olson stated Mr. Denlea is asking that the person take direction from the committee.

The City Attorney stated unless the Council requests the contract be changed, he will not be making any changes to it.

Mayor Lemon questioned if the City has received any proposals for the Tourism Promoter.

The City Clerk stated no proposals have been received.

Council Member Matson stated contractors have to report and give project deadlines with scopes of work. He stated he does not see how that confuses a contractor with an employee, and informed L&I does not have anything to do with a contractor unless the contractor hires employees.

Council Member Wentz commented our legal counsel has given a clear statement on this issue and the Council has to have faith in our attorney.

The City Attorney stated if the City enters into this contract, the City is safe unless the City does something to make an employee relationship. He stated the City cannot treat the contracted person like an employee.

At 7:35 p.m., Mayor Lemon adjourned the Regular Council meeting to a 30-minute Executive Session to discuss personnel issues.

Adjournment

These minutes dated April 28, 2008 were approved at the Regular Council Meeting of May 12, 2008.

Jim Lemon
Mayor

ATTEST:

Kathryn Thompson, CMC
City Clerk