

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
August 13, 2007

- Call to Order Mayor Reeves called the Regular Meeting of the Union Gap City Council to order at 7:04 p.m.
- Council Members Present Council Members Jim Lemon, David Butler, Dan Olson, Toni Webb, Glenn Bateman, Dan Vanover, and Roger Wentz (7:23 p.m.) were present.
- Staff Present Robert Noe, City Attorney; Dennis Henne, Public Works Director; Tom Kehm, Fire Chief; Robert Almeida, Police Chief; William Rathbone, Development Coordinator; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Dixie Van Tassel, Juanda Krebs, Wilma Simmons, Janice Easter, Tony Reise, Phil Salzman, Dave & Debbie Matson, Jo Collier, Cliff Bennett, Diana Woods, Larry Lane, James Murr, Stephanie Karr, Pat Jones, and others were present.
- Invocation The City Clerk presented the invocation.
- Pledge of Allegiance Council Member Bateman led the Pledge of Allegiance.
- Consent Agenda Motion by Council Member Vanover, seconded by Council Member Webb to approve the consent agenda, as follows:
- Approve the Adjourned Study Session Council Meeting Minutes, dated July 16, 2007, as sent out on pages 4667 through 4672 of the Minute Book.
- Approve the Study Session Council Meeting Minutes, dated July 23, 2007, as sent out on pages 4673 and 4674 of the Minute Book.
- Approve the Regular Council Meeting Minutes, dated July 23, 2007, as sent out on pages 4675 through 4677 of the Minute Book.
- Approve Claim Voucher Nos. 69516 through 69553 in the amount of \$287,707.65, dated July 31, 2007 and transfer from the operating funds to the Claims Fund.
- Approve Payroll Voucher Nos. 30819 through 30903 in the amount of \$144,507.05, dated July 31, 2007 and transfer from the operating funds to the Payroll Fund.
- Approve Claim Voucher Nos. 69554 through 69653 in the amount of \$189,947.80, dated August 13, 2007 and transfer from the operating funds to the Claims Fund.
- Motion carried unanimously; Council Member Wentz absent.
- Resolution No. 675 – In Memory of Werner “Bill” Ackerman Mayor Reeves announced that we have experienced the loss of a dear friend to the City, and read Resolution No. 675, in memory of Bill Ackerman, into the record.
- Motion by Council Member Olson, seconded by Council Member Butler to adopt Resolution No. 675, A Resolution in memory of Werner Francis “Bill” Ackerman. Motion carried unanimously; Council Member Wentz absent.
- Resolution No. 674 – Adopting Upper Yakima River Comp. Flood Mgmt. Plan The Development Coordinator informed Cliff Bennett and Diana Woods from Yakima County are present to answer questions. He informed this is the flood management plan the Council reviewed in study session on April 23, 2007, and the adoption of this plan by every entity is important for Yakima County to

become eligible for funding.

Council Member Olson stated he did not see any reference to gate number 1, the Spring Creek gate, in this plan.

Diana Woods informed this plan was originally written in 1998 and they did not go into quite as much detail back then, however, there is an overlapping Ahtanum/Wide Hollow plan that will address the Union Gap gate.

Council Member Olson commented the gate has been closed for years and promises have been made that it will never be reopened, but he personally would like to see it welded shut.

Ms Woods informed one recommendation in the plan is to reconfigure the Wapato dam so the river does not keep building up on Spring Creek.

Council Member Lemon questioned if the gate causes flooding on Council Member Olson's property.

Council Member Olson stated it causes flooding on his property when the gate is opened.

Ms Woods informed the Greenway would like to maintain the Edler ponds on the north side of the river. She also informed there was high water in May and November last year and Joel Freudenthal talked to DOT about putting riprap in that area.

Council Member Olson commented something needs to be done with the gate, he stated Roy Simonson, formerly of Yakima County, was the one that put the controls in and got 50 plus acres taken out of the floodplain.

Dave Matson questioned how adopting this plan affects the flood issues now.

Ms Woods informed the agencies will be asked to implement the recommendations in the plan to reduce flood plain issues such as gravel backing up behind the dam. She also informed the FEMA maps will be redone for this area also, and stated this is a complicated area because of the natural slopes.

After discussion, motion by Council Member Butler, seconded by Council Member Webb to adopt Resolution No. 674, A Resolution adopting the Upper Yakima River Comprehensive Flood Management Plan as presented by the Yakima Countywide Flood Control Zone District. Motion carried unanimously.

Resolution No. 676 –
Authorizing Contract
for Court Interpreter
Services

Motion by Council Member Vanover, seconded by Council Member Webb to adopt Resolution No. 676, A Resolution authorizing the Mayor to sign an Agreement for Court Interpreter Services with Columbia Interpreting Service. Motion carried unanimously.

Council Member Olson informed the rate went up from \$40 per hour to \$50 per hour.

Mayor Reeves stated the company wanted \$50 per hour back in 2001, but the City has been paying \$40 per hour.

Council Member Lemon questioned if a part time employee with certifications at \$20 - \$30 per hour would be better because they could cover court and work in City Hall.

Council Member Wentz questioned how much is spent each year on interpreter services.

The City Treasurer stated she does not know how much is spent each year, but she can look that up.

The City Attorney informed the interpreter is not just for Spanish, and by contracting with a service, they can pull in other interpreters when necessary.

Pat Jones, Court Clerk, informed the interpreter service does cost quite a bit, but it is useful when other interpreters are needed.

Council Member Lemon questioned if there is additional costs involved for non-Spanish interpreters.

The Court Clerk stated it is more expensive to bring in interpreters from out of the area because we have to pay a minimum of \$300 plus mileage or airfare.

Council Member Wentz questioned how often other interpreters are needed.

The Court Clerk stated two or three times a year, and informed our court has had need for Cantonese, Russian, and Deaf interpreters.

Ordinance No. 2537 –
Amending Municipal
Code – Water Rights

The City Attorney informed this ordinance amends the previous ordinance regarding transferring water rights to the City when a person connects to City water and decommissions their well. He stated the Department of Ecology (DOE) wants language added that new exempt wells will not be drilled in the properties, in accordance with state law.

Council Member Lemon questioned if the City has to pass this ordinance.

The City Attorney informed that as part of the water rights transfer state law says new exempt wells cannot be drilled.

Council Member Lemon commented he voted no on the previous ordinance because there is no compensation to the people and when rate increases go into effect some people need their wells.

The City Attorney informed it costs money to decommission wells and the City has been paying that cost for the residents.

Council Member Olson stated if the City decommissions the wells the people will have to use expensive domestic water to irrigate.

Council Member Lemon questioned the amount of water rights being transferred.

The Public Works Director stated statute says 800 gallons, which is 1 acre-foot of water. The only way additional rights can be transferred is if it can be demonstrated that more water was being used, but single family homes do not use that much.

Mayor Reeves stated DOE wants this language in the ordinance before they will extend the City's two temporary well permits.

The City Attorney stated the City could lose the temporary well permits because the temporary agreement was based on decommissioning the wells, and this is state law.

Council Member Lemon questioned how the City differentiates between people that kept their wells before the ordinance went into place and those that hook-up to water now.

Mayor Reeves stated this ordinance pertains to new hook-ups.

The City Attorney informed if someone hooked up before the 2005 ordinance, the City cannot do anything about that. He stated ordinances are never retroactive and the City has records of decommissioned wells.

Motion by Council Member Vanover, seconded by Council Member Webb to adopt and publish Ordinance No. 2537, An Ordinance amending Union Gap Municipal Code Section 12.04.015, "Water Rights". Motion failed by a 4-3 vote: Council Members Lemon, Olson, Bateman, and Wentz voting no; Council Members Butler, Webb, and Vanover voting in favor.

Council Member Bateman questioned if a person using their well for irrigation will be shut down.

The City Attorney stated only if they hook-up to City water.

The Public Works Director informed DOE is putting this requirement on the City to maintain the temporary water rights, but this will not affect people that have already hooked up to the City water. He stated the existing ordinance says the people will decommission their wells when they connect to the City, but the City has been doing that for the people because it requires a certified well driller and costs \$1,000 plus. He informed the people pay a hook-up fee for City water, but they are not paying the cost of decommissioning their wells.

Council Member Lemon commented the problem is people without wells are paying the same hook-up fee as those with wells.

The Public Works Director stated the City is required by state law to require the resident to hire a certified well driller to decommission the well. He stated the City could pay the resident \$800 for the water rights and then turn around and make them pay \$1,000 plus to have their well decommissioned. He stated the change to the ordinance is a tool for DOE to make sure the people understand they cannot drill a new well.

The City Attorney stated this language is already in state law, it just makes it clearly to the residents when they see it in the City ordinance.

Consider Rec. from the Lodging Tax Advisory Committee Regarding Creation of a Tourism Promotion Manager Position

Mayor Reeves informed this item was discussed in Study Session.

Council Member Lemon stated unless this position is 100 percent funded by hotel/motel taxes with no co-mingling of general funds, his vote will be no.

Council Member Olson commented this appears to be another layer of bureaucracy.

Council Member Wentz commented employees are expensive and he does not want any more employees, so he is okay with this position if it is contracted.

Council Member Webb agreed this should be 100 percent funded by hotel/motel taxes, and stated there are additional qualifications necessary also.

Motion by Council Member Olson, seconded by Council Member Wentz to table this item until the details can be worked out. Motion carried unanimously.

After discussion, it was the consensus of the Council to form a committee of Council Members Webb, Olson, and Butler to meet and work out the details and rewrite the job description.

Consider Renewal of the Visitor Information Center Sponsorship Agree. with Yakima

Mayor Reeves informed this agreement used to be for several years, but the Lodging Tax Advisory Committee is recommending renewing this for one year to see how the new Visitor & Convention Bureau (V&C) CEO works out.

Valley Visitors &
Convention Bureau

Council Member Lemon questioned if the issue of the Ag Museum material being advertised in the City's space has been worked out.

Mayor Reeves stated the new CEO said the Ag Museum flyers could be displayed now.

Council Member Olson recommending tabling this item.

Council Member Wentz stated they have been providing this service since the contract expired in February and it looks like bad faith on the part of the City to not renew and pay for 2007.

Motion by Council Member Olson, seconded by Council Member Bateman to table this item to the next meeting and to request a written clarification of what items can be advertised with the City's information. Motion carried unanimously.

Consider Expenditure
Request & Budget for
Royalty Expenses

Juanda Krebs and Wilma Simmons, Citizens for the Future of Union Gap Committee, presented information regarding the budget for the royalty expenses.

Council Member Wentz commented the mileage rate shown is 44.5 cents per mile.

The City Treasurer informed we use the federal rate, which is 48.5 cents per mile now.

Juanda Krebs informed the 2007 Budget for royalty included 3,000 miles estimated for the 25 different activities the royalty would be attending. She stated the entire estimated budget for 2007 was \$2,740, but the Lodging Tax Advisory Committee has recommended the float go to more out of town parades, and out of town parades could cost as much as \$1300 for one event for motels, meals, and mileage for chaperones, parents, and the girls.

Council Member Vanover stated the Council would review the budget request when they review the 2008 budget this fall, but tonight they would like to address the budget request in their packet for the Walla Walla parade.

Dixie Van Tassel, Citizens for Future of Union Gap Treasurer, stated she prepared the Walla Walla parade budget along with Wilma and the other royalty coordinator. She stated the budget for next year will depend on how many out of town trips are planned, etc.

Motion by Council Member Vanover, seconded by Council Member Wentz to authorize an expenditure not to exceed \$1,000 for the royalty to participate in the Walla Walla parade on September 1, 2007. Motion carried unanimously.

Ms Van Tassel requested the Council develop a policy based on this trip.

Council Member Wentz questioned if the driver of the float is a City employee and if the department is reimbursed for the use of the pick up.

The Public Works Director stated the driver is a member of the Citizen's Patrol and is covered by the City's insurance. He recommended the Lodging Tax Advisory Committee consider purchasing a truck for the royalty to use because they attend approximately 20 parades. He stated right now they use his truck and pay for gas, but his department is not reimbursed.

Council Member Olson questioned how the accounting is handled.

Ms Van Tassel informed she submits the receipts to the City Treasurer for reimbursement.

Consider
Recommending
Citizens to Serve on
Ballot Measure
Committees

Council Member Webb informed Marilyn Kendrick might be willing to write the statement in favor of the bus service.

After discussion, the City Clerk informed if the Mayor has no one to appoint to write a statement against the ballot issue, the County Auditor is charged with finding someone to write it.

Consider P. W. Dept.
Expenditure Request –
Street Sweeper

The Public Works Director requested authorization to apply for a Congestion Mitigated Air Quality (CMAQ) grant in the amount of \$174,700 with a City match of \$28,000 from the Public Works Equipment Reserve Fund for a street sweeper.

Motion by Council Member Wentz, seconded by Council Member Webb to authorize the expenditure of \$28,000 from the Public Works Equipment Reserve Fund as matching contributions for a Congestion Mitigated Air Quality (CMAQ) Grant to purchase a street sweeper. Motion carried unanimously.

Council Member Lemon questioned where the money in the Public Works Equipment Reserve Fund comes from.

The Public Works Director stated he takes money out of water, sewer, garbage, and streets and puts it in that fund each year.

Items from the
Audience

Decommissioning of Wells. Dave Matson stated he likes green grass, but it is unaffordable to use City water to irrigate and if the City takes away wells people will have to use City water for irrigation.

Mayor Reeves stated with the vote tonight people may not be able to hook-up to City water in the future.

Invitation to Attend Court. Pat Jones, Court Clerk, invited the Council to attend Municipal Court to see how the court is run. She stated court is held Monday and Thursday and there are full dockets both days.

Council Member Lemon questioned how the new judge is doing.

The Court Clerk stated it is hard for a new judge, but he is doing a lot better than when he first started.

Council Member Lemon commented he is concerned about having a defense attorney as judge, and questioned if the judge tells defendants they should hire a defense attorney.

The Court Clerk stated it is hard for the judge, and they are working on that issue right now. She stated he does recommend defendants hire an attorney, but it is a recommendation, he does not tell them they have to hire an attorney.

Departmental Reports

Mayor Reeves informed the following reports are in the packet and questioned if the Council has any questions of the departments: Building/Mechanical & Plumbing Report – July 2007, Code Enforcement Activity Report – July 2007, and Treasurer's Report – June 2007.

Development of Agenda
for 8/27/07 Meeting

Tourism Promotion Manager. Council Member Webb suggested the Council committee meet so the Tourism Promotion Manager position can be placed back on

the agenda.

Communications/
Questions/Comments

South 3rd Avenue Property. Council Member Lemon questioned the status of the sale of the property on South 3rd Avenue.

Mayor Reeves informed he called Jim Haney and gave him the quotes provided by Council Member Olson and he said he was not interested in appraising the property. He questioned if Council Member Lemon knew someone else, since he is in real estate.

Council Member Lemon stated he is not in commercial real estate and only owns one house.

Council Member Wentz suggested the Mayor discuss the property with the realtor that is working on selling the other City properties.

Property at 3rd Avenue and Whatcom. Council Member Olson questioned the status of the property at 3rd Avenue and Whatcom and commented the Council received a letter from interested persons.

The City Attorney informed he received information from Huibregtse Louman Associates (HLA) this afternoon. HLA has been attempting to confirm that the City is the owner of the property.

The Development Coordinator informed he has been working with the interested party and they have known about the title issues and know the City will sell the property for the appraised price when the issues are cleared up.

Budget Workshops. Council Member Wentz stated it was strongly recommended at the recently attended budget workshop that Councils hold Budget retreats. He questioned if we have plans for a retreat this year.

Mayor Reeves stated past Councils have voted against having retreats.

Council Member Lemon stated that was because the retreats were being held 100 miles out of town.

The City Clerk requested clarification of what the Council would like from staff for this year's budget discussions.

Council Member Lemon stated he would like more information regarding the forming and making of the budget.

Council Member Wentz stated he would like an explanation of the financial pieces such as the dollar amounts in reserves, what money is committed to projects, new requests, goals, and a 5-year plan.

After discussion, it was the consensus of the Council to schedule budget discussions for Study Sessions, including extra Monday nights for 3-4 hour sessions, if necessary.

Adjournment

At 8:52 p.m., Mayor Reeves adjourned the Regular Council meeting.

These minutes dated August 13, 2007 were approved at the Regular Council Meeting of August 27, 2007.

Aubrey C. Reeves, Jr.
Mayor

ATTEST:

Kathryn Thompson, CMC
City Clerk