

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
August 27, 2007

- Call to Order Mayor Reeves called the Regular Meeting of the Union Gap City Council to order at 7:07 p.m.
- Council Members Present Council Members Jim Lemon, David Butler (7:33 p.m.), Dan Olson (7:11 p.m.), Toni Webb, Glenn Bateman, Dan Vanover, and Roger Wentz were present.
- Staff Present Bob 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 Dave & Debbie Matson, Phil Salzman, Pastor David Dalton, Dawn Lemon, Curtis Johnstone, John Cooper, Michelle Hopkins, Pam Alamos, Don & Shirley Kammerzell, Jo Collier, Tim Whitehurst, Scott & Josh Anglin, Bill Hordon, James Carmody, Marilynne Kendrick, Ray Kempf, Christina & Ismael Alvarez, Robin Bohanan, Tony Reise, Bill & Lea Driskill, Erin Snelgrove, Steve Simon, Richard Yost, John Hodgkinson, Dixie Van Tassel, Mike Brown, and others were present.
- Invocation Pastor David Dalton presented the invocation.
- Pledge of Allegiance Council Member Lemon led the Pledge of Allegiance.
- Consent Agenda Motion by Council Member Wentz, seconded by Council Member Webb to approve the consent agenda, as follows:
- Approve the Study Session Council Meeting Minutes, dated August 13, 2007, as sent out on pages 4678 through 4680 of the Minute Book.
- Approve the Regular Council Meeting Minutes, dated August 13, 2007, as sent out on pages 4681 through 4687 of the Minute Book.
- Approve Claim Voucher Nos. 69654 through 69797 in the amount of \$780,068.65, dated August 27, 2007 and transfer from the operating funds to the Claims Fund.
- Motion carried unanimously; Council Members Butler and Olson absent.
- Ordinance No. 2538 – Amending Municipal Code – Water Rights The City Attorney informed this ordinance is similar to Ordinance No. 2537 that was discussed at the August 13th Council meeting, with revisions to add compensation language.
- Council Member Lemon stated he would like to see communication from the Department of Ecology (DOE) showing that they have asked the City to decommission wells.
- The City Attorney distributed communication from DOE and stated the Public Works Director would also like a distinction made in the ordinance between infrastructure fees, connection fees, and payment for decommissioning wells.
- Council Member Lemon questioned if DOE has a list of people with wells, and how DOE knows who is allowed to have a well. He also questioned when this ordinance needs to be passed.
- The City Attorney stated there is no urgency in passing the ordinance, however, there are a few people waiting to hook-up to City water.

Council Member Lemon stated the City already has an ordinance.

The Public Works Director stated there are seven people waiting to hook-up because staff needs clarification as to how the City will pay to decommission the wells. He informed the existing ordinance says the wells will be decommissioned, but there is no particular procedure for accomplishing the decommissioning.

Councilmember Lemon stated he will vote no unless he receives more information such as how DOE identifies who has wells.

The Public Works Director stated the seven people have already signed agreements and are connected to water, but staff needs clarification by ordinance as to the decommissioning of the wells and the fees.

Council Member Wentz questioned if DOE can come in and take the wells of people that hooked up to City water prior to the ordinance.

The City Attorney stated the City has to make application to consolidate the individuals' water rights with the City's water rights.

Council Member Lemon commented that most people transferring to domestic water want to keep their wells for irrigation.

The City Attorney informed the only way to consolidate the water rights is to decommission the wells.

Council Member Lemon questioned what makes a well an exempt well.

The City Attorney informed domestic wells are considered to use less than 5,000 gallons per day so they are exempt from DOE regulations, and the passage of this ordinance would allow the City to apply to DOE to consolidate those water rights with the City's water rights.

Council Member Lemon questioned how this ordinance would affect other properties that are on City water but still have wells.

Mayor Reeves informed this ordinance will only affect those that hooked-up to water after the ordinance.

Council Member Vanover informed the list that DOE has is the list of people the City turns over to DOE showing they recently hooked up to water and their well was decommissioned.

Council Member Wentz questioned what assurances people that are already hooked up to water have that DOE will not come and take their wells.

The City Attorney informed the City will not take any action to take people's wells, but he can't speak for DOE. He stated there is a statute that allows DOE to consolidate the water rights with the City, but he does not know of any other statute.

Council Member Wentz suggested asking DOE representatives to be present at the next Council meeting.

Council Member Lemon questioned why the people can't keep their wells for irrigation if they agree not to use the well for house water.

The City Attorney stated the City would not be able to transfer any water rights if the people keep their wells. He stated DOE is not requiring this ordinance, DOE is requiring the City to decommission the wells.

Council Member Lemon stated he heard that people think there are grants for new water lines in the South Broadway area and questioned if this is true.

The Public Works Director stated no funding has been secured for water lines in that area.

Mayor Reeves stated there is no funding available, and commercial developers pay for the water lines with their projects.

Council Member Wentz stated he would like a DOE person to come to a Council meeting and explain their plan with timeframes.

Mayor Reeves informed this was explained to the Council in 1999, but now DOE is saying the City did not fulfil the requirement.

Council Member Wentz stated the membership of the Council has changed and the Council needs an update.

The City Attorney informed this ordinance is being presented because the Council wants compensation for the people and the previous Council did not see that as an issue.

Council Member Wentz stated the minutes say the previous City Council would address the compensation issue, but they never did.

Mayor Reeves stated the reason the City tried to buy water rights from Ahtanum Ridge Business Park is so they would not have to go this route.

Motion by Council Member Lemon, seconded by Council Member Wentz to table Ordinance No. 2538, An Ordinance amending Union Gap Municipal Code Section 12.04.015, "Water Rights".

Council Member Webb questioned if the City considered the decommissioning of the wells as compensation for the transfer of the water rights.

The Public Works Director stated yes and informed he spoke with a certified well driller, who agreed to observe the decommissioning by the City crews and complete the paperwork under an agreement with the City, but he was hesitant to give a price quote. He did say 4-6 inch domestic wells would be approximately \$3,000, however, most of the wells in question are smaller and would probably be \$300 to \$500 for the well driller's cost plus the City's labor and materials, totalling \$500 - \$1,000.

Council Member Lemon questioned if the City has paid for decommissioning any wells yet.

The Public Works Director stated the City decommissioned one well, but it is not certified yet, and there are seven more people that are hooked up to water and waiting for the City to decommission their wells.

Mayor Reeves called for a vote on the motion to table Ordinance No. 2538, An Ordinance amending Union Gap Municipal Code Section 12.04.015, "Water Rights". Motion carried unanimously; Council Member Butler absent.

Resolution No. 677 –
Authorizing Submission
of the SAFER Grant

The Fire Chief distributed a new budget page to replace the figures provided on the council communication sheet. He informed this request is similar to the request made last year.

Council Member Olson questioned how many fire fighters the grant is for.

The Fire Chief stated three.

Council Member Wentz questioned where the City's share of the money will come from.

The Fire Chief stated there are a lot of costs involved when hiring people and the City will have to face the hiring need with or without the grant dollars so this is a way to ease into it.

Council Member Wentz commented the Council just authorized hiring a new fire fighter and the presentation at that time sounded like the addition of that person would take care of the hiring needs. He questioned how often this grant is available.

The Fire Chief informed this grant has been available every year and the City has applied three times and not received the grant.

Council Member Wentz questioned if the City has to accept all of the grant if the City is chosen.

The Fire Chief stated the City can accept all or part of the grant.

Council Member Lemon commented if the City is awarded the grant this will come back before the Council.

Motion by Council Member Lemon, seconded by Council Member Webb to adopt Resolution No. 677, A Resolution authorizing the application by the Fire Department to the Department of Homeland Security under the 2007 SAFER grant. Motion carried unanimously.

Discussion Regarding
Spring Creek Flood
Gate No. 1

Council Member Wentz requested item H., Spring Creek Flood Gate No. 1 be moved and discussed now.

Mayor Reeves informed he has received calls from people that said someone from the City told them the City was going to open the Spring Creek floodgate and flood their homes.

Council Member Lemon stated he read an e-mail that said that Dan Olson told citizens the City was going to flood the Holiday Mobile Park and questioned what Council Member Olson's concerns are.

Council Member Olson stated the floodgate has to do with Yakima County, not the City and two individuals from the County said there are plans for opening the gate that has been shut for four or five years. He stated this area has flooded before and there is no purpose for opening the gate. He informed he started a petition to have the gate sealed permanently.

Council Member Wentz questioned if this is miscommunication or if there are real issues.

Council Member Vanover informed the petition should be presented to Yakima County, not City of Union Gap.

Ismael Alvarez stated Council Member Olson came to his house with a petition to sign and informed them that the floodgates were going to be opened. At the end of the conversation, Mr. Olson also stated he is running for Mayor.

Mayor Reeves stated some of the elderly people thought if they voted for Council Member Olson their property would not be flooded, but otherwise the

City was going to flood them.

Council Member Lemon requested Mayor Reeves check with Yakima County regarding the floodgate.

Mayor Reeves informed he met with Yakima County last week and they have no plans of opening the gate.

Steve Simon informed he received a call from an elderly lady in the mobile court concerned about high water. He stated he has been working on this issue for five years and the recent high water was caused by an irrigation project at the far end of the property. He stated the lady told him someone from the City came by with a petition to sign to keep the flood gate closed and he informed her that the County has no intent of ever flooding anyone and the County needs to maintain control of the flood gate.

Council Member Wentz stated at the last Council meeting Yakima County staff informed that they and DOE are addressing the river issues in a flood management plan.

Steve Simon stated some of the residents got excited and worried for no reason because they thought City staff was behind the petition. He stated he saw Pat McDonald and Dan Olson down there, but there is no reason for concern about the County opening the gate, and he does not understand why Mr. Olson was down there talking to the people.

Mayor Reeves questioned if Fish & Wildlife and DOE are working with Mr. Olson, Ms McDonald, and Mr. Simon on creek issues.

Mr. Simon stated yes, and at one time he applied for a permit to move the creek over to the highway and the state suggested moving it to one side and letting the stream run through the corn maze all the way through Mr. Olson's property. He informed this stream has constant water temperature and constant flow from 16th Avenue to the corn maze and is a breeding ground for little fish that feed the Yakima River.

Council Member Lemon questioned if it would be beneficial for the City and County to mail letters to the people in the mobile home court letting them know the information was not true.

Mr. Simon stated yes, because the older people were frightened.

Council Member Webb commented the Alvarez' are not elderly and they were frightened too, and commented the Council is not sure what these people were told.

Council Member Olson stated he heard a County official say they would reopen the floodgate.

Council Member Wentz questioned who the County official was.

Council Member Olson stated Joel Freudenthal made the statement that the floodgate would be reopened in Terry Austin's office.

Mr. Simon stated he spoke with Mr. Freudenthal today and he said just the opposite, he said the County has no intention of opening the floodgate.

Council Member Wentz stated he is concerned that the citizens were scared for no reason.

Council Member Lemon questioned if Council Member Olson owns the mobile

home court.

Council Member Olson stated he does not own the mobile court, it was a subdivision.

Council Member Lemon questioned why Council Member Olson went down there if he does not own the mobile court.

Council Member Olson stated he went to the mobile court and to Short Street because he is concerned about the floodgate. He informed the petition says it is going to the City of Union Gap and Yakima County so the City will know what is going on, but it is going to the County Commissioners first. He stated Pat McDonald was with him when most of the signatures were collected, the Alvarez' were the only people that he mentioned he was running for Mayor, and he did not say to vote for him.

Council Member Lemon commented the problem is only the Alvarez' are present tonight.

Council Member Wentz stated this looks like political games and scaring people to death to get their votes.

Council Member Olson stated that is not the issue, his interest is to see that no one gets damaged.

Mr. Simon stated it is interesting that Council Member Olson and Ms McDonald did not ask him to sign the petition since he owns the longest link of property.

Council Member Webb commented the issue was not clearly explained to the people and this sounds political.

Council Member Olson stated this was after he was done campaigning.

Council Member Wentz stated it was one week before the primary election and it looks like scaring people for votes.

Council Member Olson stated these people cannot get flood insurance.

Mayor Reeves stated that is not what the County staff said at the August 13th Council meeting.

Council Member Lemon suggested a letter from the City and County be sent to the people on Short Street and in the mobile court.

Mayor Reeves stated he would prefer the letter went to those residents Council Member Olson contacted.

Council Member Olson stated he could provide the City with a copy of the petition.

Council Member Webb suggested a public apology be made tonight.

Council Member Olson commented that certain portions of the property are in the flood plain and there is an error in the minutes, the Department of Transportation put the gate in place to get more property out of the 100-year floodplain. He then apologized and stated it was not his intent to scare anybody; he just wants the gate shut permanently.

Council Member Wentz requested a report at the next meeting as to the status of a letter being sent to the residents.

Water Rates. Mr. Simon requested the Council look into a different system for charging water rates for water used for irrigation and stated the City of Vancouver has a reduced rate for irrigation usage. He stated irrigation for the day care building he owns is \$300 a month.

Mayor Reeves stated residential is a flat fee, but commercial is not.

The Public Works Director stated most commercial uses have a domestic meter and a non-domestic meter.

Council Member Lemon questioned if the day care has two meters.

The Public Works Director stated no, it has one meter.

Resolution No. 678 –
2008 Visitors Guide
Advertising Contract
with Yakima Valley
Visitors & Convention
Bureau

John Cooper, Yakima Valley Visitors & Convention Bureau (V&C) CEO and Michelle Hopkins, V&C Membership & Events Director, were present to answer questions regarding the 2008 Visitor Guide book.

Motion by Council Member Vanover, seconded by Council Member Wentz to adopt Resolution No. 678, A Resolution authorizing the Mayor to execute the attached 2008 Visitors Guide Advertising Contract with Yakima Valley Visitors & Convention Bureau. Motion carried unanimously.

Consider Renewal of
the Visitor Information
Center Sponsorship
Agreement with
Yakima Valley Visitors
& Convention Bureau

John Cooper introduced Pam Alamos, Visitor Information Center Manager, and informed Ms Alamos is very knowledgeable about Union Gap and assists visitors with information.

Council Member Wentz commented he saw the e-mail saying the City would have three pamphlet spots at the center.

Mayor Reeves informed he went to the visitor center and they have the Agricultural Museum information available now and agreed that Ms Alamos is very knowledgeable about Union Gap and what is available to visitors.

Ms Alamos distributed an information sheet entitled, “Things to Do in Union Gap” that is available at the visitor center.

Motion by Council Member Lemon, seconded by Council Member Wentz to renew the sponsorship agreement at the Diamond Level of \$5,000 for 2007. Motion carried unanimously.

Discuss Request by The
Intersection Church to
rent the house at 3103
2nd Street

Council Member Lemon suggested tabling this item because the Council previously discussed using this building as a youth center.

Mayor Reeves informed this is just another idea and is on the agenda for discussion only.

Council Member Wentz questioned the use of the other City-owned houses near City Hall.

Mayor Reeves stated one is not fit for renting and is being used as storage, and one is being used as office space.

Curtis Johnstone, Pastor of The Intersection Church, informed he moved here in June from Monroe, Oregon and is interested in using this City-owned house for education classes, church, and youth meetings. He distributed handouts and explained that he has twenty years of experience working with parole and probation, jails, mental health, and drug courts in different areas such as drug and alcohol counselling, domestic violence, parenting, and job skills programs,

all free of charge. He also informed that he worked with at-risk youth in Corvallis, Oregon and that program was funded by a grant.

Council Member Wentz questioned if the youth programs are limited to at-risk youth.

Pastor Johnstone stated that was the group they decided to target in Oregon. Council Member Wentz questioned if the church would be renting the facility.

The City Attorney informed the City can offer a reduced rate in exchange for service, but there has to be a monetary payment for rent or it would be considered a gift of public funds.

Council Member Lemon questioned why Mr. Johnstone is looking for a building.

Mr. Johnstone informed he recently moved here and in order to make presentations to the jail, mental health, and others he needs to have a facility to work out of.

Dave Matson questioned if this service is free to the people.

Mr. Johnstone stated yes, it is volunteer work and the facility would be used as a church and for rehabilitation programs.

Council Member Lemon questioned if it is constitutional to use this house as a church.

The City Attorney stated the City can rent to anyone.

Pastor Johnstone informed he feels this is an excellent location to serve citizens living in Union Gap especially due to the proximity of the court.

Council Member Wentz stated he would like to read the material presented, and questioned if references from places Mr. Johnstone has been could be provided.

Pastor Johnstone informed he will bring references and additional information to the next Council meeting.

Council Member Wentz questioned if this use would attract undesirable people to the area.

Pastor Johnstone stated this would mostly serve Union Gap residents and they are already living here.

Council Member Lemon informed Union Gap no longer has a probation office, probation is performed by Yakima County.

Consider Hearing
Examiner
Recommendation –
Zoning Reclassification
– Bud Clary Toyota

The Development Coordinator informed the Council may accept or reject the recommendation of the Hearing Examiner as presented. If the recommendation is accepted, an ordinance will be prepared for the next Council meeting. If the recommendation is rejected, the Council must conduct their own closed record public hearing.

Councilmember Lemon commented he thought the Council was not hearing these issues anymore.

Mayor Reeves informed this is not an appeal, this is the Hearing Examiner recommendation on rezoning property.

The Development Coordinator then explained this rezone is for property at the Northwest corner of Valley Mall Boulevard and Longfibre, across from the new Costco site. He informed the rezone is from CBD Commercial and Light Industrial to Regional Commercial to accommodate a new car dealership.

Council Member Lemon questioned if this property meets another street to the west, such as Walla Walla Street.

The Public Works Director informed Voelker Street is further west, but does not connect to this development.

Motion by Council Member Wentz, seconded by Council Member Webb to approve the zoning reclassification of Bud Clary Toyota, subject to the following Hearing Examiner conditions: 1) A landscaping design shall be submitted to the Administrator as a part of the application for a building permit; 2) Landscaping of the wetlands buffer area shall be designed by and executed in accordance with recommendations of a qualified wetlands specialist; 3) All exterior lighting shall be directed inward and downward to prevent light and glare from leaving the site; and 4) Development of the site must be in substantial compliance with the site plan submitted as EXHIBIT 2 in the record of this proceeding which was originally dated March 16, 2007 and which was revised July 24, 2007. Motion carried unanimously.

Expenditure Request –
City Hall Council
Chambers Rooftop
HVAC Unit

The Development Coordinator informed the Council Chambers rooftop air conditioning unit is failing and the choices are to repair the existing unit, replace the existing unit, or replace the existing unit with an economizer unit that allows fresh air to come in. He informed the cost of repair is approximately \$1,900, the cost for a replacement unit is approximately \$9,400, and the cost of an economizer unit is approximately \$10,500.

Motion by Council Member Vanover, seconded by Council Member Webb to approve the expenditure of approximately \$10,500 from the City Hall Equipment Reserve Fund to replace the City Hall Council Chambers rooftop HVAC unit with an economizer unit. Motion carried unanimously.

New City Hall Roof. Council Member Lemon questioned if the new City Hall roof is finished.

The Development Coordinator informed the roof is finished.

Items from the
Audience

Fire Chief Retirement. The Fire Chief announced his retirement and stated his last day will be September 7th.

Pioneer Power Show. Steve Simon informed he attended the Pioneer Power Show and requested the Council look into the procedure for the collection of money. He stated they were unable to give him a receipt and had nothing but a sack of money for collecting admission.

Departmental Reports

Mayor Reeves informed the following reports are in the packet and questioned if the Council has any questions of the departments: Public Works Department Status Report – July 2007; Police Department Status Report – July 2007; Fire Department Status Report – July 2007; New Businesses Report – July/August 2007.

Agenda for Sept. 10th
Council Meeting

There were no additions to the Council agenda for September 10th.

Adjournment

At 8:33 p.m., Mayor Reeves adjourned the Regular Council meeting.

These minutes dated August 27, 2007 were approved at the Regular Council Meeting of September 10, 2007.

Aubrey C. Reeves, Jr.
Mayor

ATTEST:

Kathryn Thompson, CMC
City Clerk