

**UNION GAP CITY COUNCIL REGULAR MEETING**  
**Council Chambers, City Hall**  
**Union Gap, Washington**  
**August 25, 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 Michael Murr, Debbie Matson, Fred Thomson, Dave McFadden, John Hodkinson, James Carmody, Terry Truhler, and others were present.

Pledge of Allegiance Fred Thomson led the Pledge of Allegiance.

Consent Agenda Motion by Council Member Wentz, seconded by Council Member Vanover to approve the consent agenda, as follows:

Approve the Regular Council Meeting Minutes, dated August 11, 2008, as sent out on pages 4828 through 4830 of the Minute Book.

Approve Claim Voucher Nos. 72518 through 72616 in the amount of \$311,337.81 dated August 25, 2008 and transfer from the operating funds to the Claims Fund.

Approve Petty Cash Check Nos. 1535 through 1536, issued and paid in the month of July, in the amount of \$309.11.

Approve Municipal Court Check Nos. 3084 through 3096, issued and paid in the month of July, in the amount of \$40,529.90. Check Nos. 3074, 3079 and 3082 were voided.

Approve Advanced Travel Check Nos. 1032 through 1039, issued and paid in the month of July, in the amount of \$720.92.

Approve Treasurer's Check No. 10197, issued and paid in the month of July, in the amount of \$606.94.

Adopt and Publish Ordinance No. 2576, An Ordinance amending the 2008 Budget authorizing the expenditure of \$15,687 from the Water/Sewer Infrastructure Reserve Fund for reimbursement to Glaspey/Ahtanum LLC, to cover the required cost to install a sixteen-inch (16") water line, as opposed to the standard eight-inch (8") water line along the 2700 block of South 16<sup>th</sup> Avenue.

Declare Public Works scrap iron surplus and authorize staff to sell the surplus scrap iron.

Motion carried unanimously.

At 7:08 p.m. Mayor Lemon opened the public hearing.

Public Hearing – Yakima County Regional Shoreline Master Program Development Regulations and Comprehensive Plan Goals and Policies The City Clerk announced there were no written comments received.

The Development Coordinator explained the existing Shoreline Master Program has been in existence since a vote of the people in 1971. The only update to the program was in 1974. Yakima County has done a lot of work updating the program, and even though it does not have to be updated until 2013, the update is ready now. He informed this update designates Ahtanum Creek and the

Yakima River as urban, and the program allows for a consolidated permit process.

There was no one present wishing to speak to this item.

At 7:09 p.m. Mayor Lemon closed the public hearing.

Council Member Olson commented even though this is not effective until 2013 and it may be a good program, he is concerned about the footage from the Yakima River and how that will affect properties on the west side of the river.

The Development Coordinator informed the amount of footage that defines a shoreline is not changing with this update.

Council Member Olson stated the Yakima River was allowed to change course and is now about  $\frac{3}{4}$  of a mile west of where it used to be.

Council Member Matson questioned if this program affects the roundabouts proposed on Valley Mall Boulevard.

The Development Coordinator informed the Department of Transportation is working closely with all concerned agencies. He stated anything in the shoreline has to be reviewed under wetlands and critical areas and the whole project has been designed with the best alternative for shorelines.

Council Member Olson stated there is still agricultural land in Union Gap that may be affected.

The Development Coordinator informed when the agricultural land is converted to another use, there will be a review under the shoreline permit.

Mayor Lemon questioned if Yakima County sought a lot of public input on this update.

The Development Coordinator informed Yakima County has been working on the updates since 2004 and has had numerous opportunities for public input. He stated shorelines have not been a big priority for him because Union Gap does not have very many shoreline areas.

Resolution No. 733 –  
Adoption of Yakima  
County Regional  
Shoreline Master  
Program

Motion by Council Member Vanover, seconded by Council Member Wentz to adopt Resolution No. 733, A Resolution pertaining to shoreline management planning and implementation and adopting the revised Yakima County Regional Shoreline Master Program. Motion carried: Council Members Butler, Wentz, Vanover, Matson, and Murr voting in favor; Council Members Olson and Bateman voting no.

Resolution No. 734 –  
Service Contract with  
New Vision, Yakima  
County Development  
Association

Dave McFadden, President of New Vision, Yakima County Development Association (YCDA), thanked the Council for their interest in economic development and the working relationship they have shared with New Vision for the past 20 years. He informed the contract is a 5-year contract with annual renewals for budget purposes.

Council Member Wentz questioned why the increase is 10 percent all at once.

Mr. McFadden explained the contract is only increased every 5 years.

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 734, A Resolution authorizing the Mayor to execute the attached Yakima County Development Association (YCDA) Public Sector Service Contract. Motion carried unanimously.

Ordinance No. 2577 –  
Acquisition of  
Properties for Valley  
Mall Blvd., Phase IV

The Public Works Director informed this is a standard ordinance that is enacted early in street projects and is not acted upon unless absolutely necessary. He stated there is a list of properties on the back of the ordinance, but most of those will not be impacted. He stated about 7 properties will have construction easements negotiated, about 5 properties will be acquisition of strips of land, and 1 or 2 will be takings. One of the takings is an existing business. He informed this project would be phased in with the roundabouts, which will be advertised in the Fall on 2009. He stated the impacts and costs will be too expensive for the City if the projects are not consolidated.

Dr. Terry Truhler, Owner and Medical Director of Valley Medi-Center, informed when he opened his business here 25 years ago Union Gap was a tiny little community and he has seen the tremendous growth. He stated four or five years ago Mayor Reeves and Paul Burlingame talked to him about making changes to the intersection and requested some of his property. He signed the property over to the City because they said the only other property they might need in the future was a small strip of land for sidewalk. About 3 weeks ago he received a letter from the City wanting his whole parking lot, which makes his business unusable. He came in and asked questions of staff and was told nothing would happen until November and then he read Saturday's newspaper and saw that the condemnation ordinance was coming to Council.

Jamie Carmody, Attorney, stated Dr. Truhler's business will be destroyed with this proposal. He stated he and Dr. Truhler sat down with the City approximately 4 years ago and worked through the City's proposal to help the Valley Mall Boulevard Project. Medi-Center went along with what the City requested and gave up part of their land and parking space and now the plan has changed totally. He stated this will be subject to federal relocation assistance, but that is of no benefit to a business. The most Dr. Truhler will get is \$50,000 plus market value for the property, but they will be out of business. He suggested a little engineering effort could preserve this business and stated this proposal will hurt the business and the community. He suggested the Council go back to the slow process that was promised and sit down and talk and try to work this out. He informed once the Council turns the right-of-way acquisition over to the state they will lose local control.

Council Member Matson questioned if appraisals have been received yet.

Mr. Carmody stated no, they were told appraisals would be done in November and they only found out about this meeting from reading the Saturday paper.

Council Member Matson asked if they had any idea of the monetary amount they would receive for relocation.

Mr. Carmody stated they have not been given any figures, but he knows the rules and it will be the value of the real property and a maximum of \$50,000 to relocate. He stated there are some protections for homeowners, but not for businesses. He stated if the City found something that would work Dr. Truhler would consider a trade.

Council Member Wentz commented he does not see how the road can be aligned without this project.

Mr. Carmody stated they discussed this 4 years ago and the road was designed and built to connect. The only thing the City said might be necessary was a minor piece of land next to the restaurant, and Dr. Truhler is willing to give that piece up.

Mayor Lemon questioned why they were not notified of the condemnation ordinance being at tonight's meeting.

The Public Works Director apologized for not informing the people of tonight's meeting. He stated letters were sent out about 4 weeks ago informing people their property might be affected. He stated a traffic study showed this intersection at a level D and our ordinance requires a level C. Ten years from now this intersection will be a level F.

Mayor Lemon suggested the Council table this ordinance and enter into discussions regarding the project design.

Council Member Wentz questioned if delaying the ordinance 2 months would hurt the project.

The Public Works Director stated it probably would not hurt because the appraisals will not be done for a couple of months and it takes about 18 months to relocate a business.

Council Member Vanover commented relocation cannot start without the full appraisal.

Motion by Council Member Wentz, seconded by Council Member Olson to table Ordinance No. 2577, An Ordinance of the City of Union Gap, Washington providing for the acquisition of certain properties for the improvement of Valley Mall Boulevard (Phase IV) all located within the City of Union Gap, Yakima County, Washington, to the Council meeting October 27, 2008. Motion carried unanimously.

It was the consensus of the Council to schedule Public Works Committee meetings to discuss this issue further.

Items from the Audience

There was no one present wishing to speak.

Develop. Agenda for Sept. 8, 2008 Council Meeting

The Council did not have any items for the September 8, 2008 Council meeting.

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 – July 2008; Police Department Status Report – July 2008; Fire Department Status Report – July 2008; Code Enforcement Activity Report – July 2008; New Businesses Report – July/August 2008; Treasurer's Reports – April & May 2008; Tax Revenue Report – July 2006/2007/2008.

Communications/ Questions/Comments

Skateboard Park. Council Member Murr stated he would like Union Gap to build a skateboard park.

Council Member Vanover suggested this idea be presented to the Park Board.

Adjournment

At 7:40 p.m., Mayor Lemon adjourned the Regular Council meeting.

*These minutes dated August 25, 2008 were approved at the Regular Council Meeting of September 8, 2008.*

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Jim Lemon, Mayor

ATTEST:

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Kathryn Thompson, CMC, City Clerk