

**UNION GAP CITY COUNCIL REGULAR MEETING**  
**Council Chambers, City Hall**  
**Union Gap, Washington**  
**July 13, 2009**

- Call to Order Mayor Lemon called the Regular Meeting of the Union Gap City Council to order at 7:01 p.m.
- Council Members Present Council Members David Butler (7:02 p.m.), Dan Olson, Glenn Bateman, Roger Wentz, Dave Matson, and Jim Murr were present.
- Staff Present Robert Noe, City Attorney; Dennis Henne, Public Works Director; William Rathbone, Development Coordinator; Bill Steele, Fire Chief; Robert Almeida, Police Chief; Don Durkee, Public Works Maintenance; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Lewis, Thelma & Donald Beddoe, Joe & Linda Jackson, Michael & Joshua Murr, Stephanie Korn, Debbie Matson, Scott Steinloski, Gene Weinmann, Marivy Vasquez, Jo Collier, Anita Hargraves, Fred Thomson, Yvette Lewis, Chris Dahl, Kirsten Danielson, Dwight Waiters, John Hodkinson, Sally Billups, Jeff Louman, Erin Snelgrove, Greg Cobb, and others were present.
- Special Award Presentation Mayor Lemon presented a certificate to Don Durkee, Public Works Maintenance, for 20 years of service to the City.
- Pledge of Allegiance Council Member Wentz led the Pledge of Allegiance.
- Consent Agenda Motion by Council Member Wentz, seconded by Council Member Butler to approve the consent agenda, as follows:
- Approve the Regular Council Meeting Minutes, dated June 22, 2009, as sent out on pages 4934 through 4940 of the Minute Book.
- Approve Petty Cash Check No. 1557, issued and paid in the month of May, in the amount of \$54.00.
- Approve Municipal Court Check Nos. 3180 through 3201, issued and paid in the month of May, in the amount of \$58,146.59.
- Approve Advanced Travel Check No. 1063, issued and paid in the month of May, in the amount of \$200.00.
- There were no Treasurer's Checks issued and paid in the month of May.
- Approve Claim Voucher Nos. 74866 through 74901, in the amount of \$303,227.97 dated June 30, 2009 and transfer from the operating funds to the Claims Fund.
- Approve Payroll Voucher Nos. 32652 through 32731, in the amount of \$158,255.82 dated June 30, 2009 and transfer from the operating funds to the Payroll Fund.
- Approve Claim Voucher Nos. 74902 through 75002, in the amount of \$731,990.58 dated July 13, 2009 and transfer from the operating funds to the Claims Fund.
- Motion carried unanimously; Council Member Vanover absent.
- Addition to the Agenda – Park Board Appt. Motion by Council Member Wentz, seconded by Council Member Murr to add the confirmation of a Park Board appointment to the agenda at the end of the general items. Motion carried unanimously; Council Member Vanover absent.

Public Hearing –  
Completed 2007  
Housing Rehabilitation  
Program

At 7:05 p.m. Mayor Lemon opened the public hearing.

The City Clerk announced no written comments have been received.

Mayor Lemon asked if the interpreter is present.

Marivy Vasquez introduced herself and informed she is present if anyone needs her to translate.

Gene Weinmann, Yakima Valley Conference of Governments (YVCOG), informed under Community Development Block Grant (CDBG) rules, elected officials and staff need to wait until the conclusion of the public hearing to make any comments. He informed this is a public hearing on the completed housing rehabilitation program. He then presented a brief overview of the program that started in March of 2007, explaining that the program was for rehabilitation, weatherization, and lead abatement for low to moderate income persons in the City of Union Gap. A total of 36 projects were completed which was much greater than the goal of 15 projects; the funding consisted of \$500,000 from CDBG and \$100,000 from the City. He stated the anticipated return to the City through the repayment of loans is \$241,305, which will be recaptured over the next 12 to 15 years. He then thanked the Mayor, staff, and City Council for their help and support of the program and thanked the review committee, especially David Dalton, Ray Rivera, Bill Rathbone, and Karen Clifton.

Public Comments. John Hodkinson stated as a Union Gap resident he would like to congratulate Gene Weinmann for the tremendous job he has done administering this program for Union Gap and around the County. He then announced this program is no longer available and Yakima Valley Conference of Governments will be losing Mr. Weinmann.

At 7:16 p.m. Mayor Lemon closed the public hearing.

Council Member Wentz commented it is important that the Council highlight the CDBG program and ask for support when making trips to Olympia and Washington D.C.

Council Member Olson commented he appreciates what Mr. Weinmann has done and appreciates YVCOG as a whole.

Ordinance No. 2621 –  
Amending 2009 Budget  
– Current Expense  
Ending Fund Balance to  
Increase Parks Dept.  
Salaries & Wages

Mayor Lemon informed this ordinance transfers money into the Parks fund for salaries and wages so the City will be able to pay for litter control. He explained he had cut the parks budget, but additional demands were placed on them so in order to pay for those services, money needs to be transferred. He clarified this ordinance does not increase anyone's salary.

Council Member Matson commented the ordinance is transferring \$30,000, but the attached memorandum looks like what is needed is a little over \$8,000. He questioned if \$10,000 could be transferred instead of \$30,000.

Mayor Lemon stated \$10,000 would cover the position.

Motion by Council Member Matson, seconded by Council Member Wentz to amend Ordinance No. 2621 to authorize an expenditure of \$10,000 instead of \$30,000. Motion carried unanimously; Council Member Vanover absent.

Motion by Council Member Wentz, seconded by Council Member Murr to adopt and publish Ordinance No. 2621, as amended, An Ordinance amending the 2009 Budget authorizing an expenditure of \$10,000 from the Parks Department Wages and Benefits (001.576.80.10 and 001.576.80.20) using funds from the Current

Expense Ending Fund Balance (001.508.00.00) to hire additional seasonal park employees. Motion carried unanimously; Council Member Vanover absent. Council Member Matson commented when he was in Wyoming he saw signs saying they have a \$750 fine for littering and questioned if the City could pass an ordinance with a \$750 fine for littering and graffiti.

The Police Chief stated graffiti is a misdemeanor with a fine of \$500 and/or 90 days in jail and littering is set by State statute.

Council Member Matson questioned if the fines collected for graffiti and littering could be split between the Police and Public Works Departments.

The Police Chief stated the court collects the fines and the money is sent to the State, with a portion going to the City. He also explained some of the cases are heard in juvenile court and some of the cases in adult court.

Mayor Lemon stated the City's portion of fines goes into the General Fund.

Ordinance No. 2622 –  
Establishing Firefighter  
College Intern Program

Council Member Wentz commented this program is a win/win for the City and the college students.

Motion by Council Member Wentz, seconded by Council Member Olson to adopt and publish Ordinance No. 2622, An Ordinance of the Union Gap City Council authorizing the Fire Department to utilize students enrolled in college level Fire Services Training Programs as volunteers within the City's Fire Department. Motion carried unanimously; Council Member Vanover absent.

Resolution No. 788 –  
Facility Use Agreement  
for Volunteer Tax  
Assistant

Council Member Wentz commented the Tourism Promoter has written a strongly written letter asking that this request be denied.

Sally Billups, Local Coordinator, explained they have had a site for tax preparation in Union Gap for over 23 years and 60 percent of the returns they prepare have a 98903 zip code.

Council Member Wentz commented he would like to see everyone cooperate to meet the needs. He stated we have a successful transit system and questioned if it would be too much of a hardship for the tax preparation site to be located in the house at Ahtanum Youth Park.

Ms Billups stated it would be an extreme disadvantage to have the entire site at the youth park because they need to be close to the freeway.

Council Member Matson stated he is going to have to vote no because this site is the tourism promoter's building and the City has offered a house next to the Senior Center building.

Ms Billups stated she has talked with the Senior Citizen Liaison and she will be going to the Senior Center to prepare returns, but they also prepare returns for young people.

Council Member Butler agreed with Council Member Matson and stated he wants to see the Tourism Promoter's office location work.

Council Member Matson stated to keep things straight; they should pay a portion of the utilities also.

Ms Billups stated they are not able to pay as they are unpaid volunteers with no funds. She also stated they do not want to interfere with operations.

Council Member Wentz questioned if they would be agreeable to trying the

Ahtanum Youth Park site.

Ms Billups stated they could run a couple of days a week at the park as an ad hoc site, but they will probably look further for something else.

Council Member Wentz commented the Youth Center has not started yet and during school it will not be operating during school hours.

Ms Billups stated all they need is a space with tables so they can set up their computers. They do not leave anything on site; they bring it in and out with them.

Council Member Wentz questioned if they could operate 2 days a week at the park and 2 days a week at the youth center.

Mayor Lemon reminded the Council that the Youth Center was designated as a Youth Center by ordinance, but the house at the park can be used for public purposes.

Ms Billups stated she will take this information back to her group and see what they want to do. She commented if the youth center is used, the kids could help the tax preparers.

Motion by Council Member Wentz, seconded by Council Member Olson to table Resolution No. 788, A Resolution authorizing the Mayor to sign a Facility Use Agreement with St. Vincent De Paul – AARP Tax-Aide until further notice. Motion carried unanimously; Council Member Vanover absent.

Res. No. 791 – Task Order No. 2 with Huibregtse, Louman Assoc. – S. Union Gap Beltway Planning Study

Motion by Council Member Olson, seconded by Council Member Wentz to adopt Resolution No. 791, A Resolution authorizing the Mayor to sign Task Order No. 2009-2 with Huibregtse Louman Associates, Inc. for South Union Gap Beltway Planning Study. Motion carried unanimously; Council Member Vanover absent.

Resolution No. 792 – Supporting Union Gap branch of the U.S. Post Office

Mayor Lemon read Resolution No. 792 supporting the Union Gap branch of the Post Office into the record and explained he has had numerous people call him regarding this issue and many of the people feel displaced and do not want their P.O. Boxes to go to the Yakima Post Office.

Council Member Butler stated he has also received calls and he knows past Council members have fought this also.

Motion by Council Member Olson, seconded by Council Member Wentz to adopt Resolution No. 792, A Resolution in support of the Union Gap branch of the United States Post Office. Motion carried unanimously; Council Member Vanover absent.

Expenditure Request – Recom. from Lodging Tax Adv. Com. to pay expenses - Museum Consultant's visit

Motion by Council Member Wentz, seconded by Council Member Butler to approve the expenditure of \$110.04 from the tourism budget contractual services contingency fund for expenses associated with the museum consultant's visit, as recommended by the Lodging Tax Advisory Committee. Motion carried unanimously; Council Member Vanover absent.

Expenditure Request – Recom. from Lodging Tax Adv. Com. to increase the internet service portion of the tourism budget by

Council Member Wentz questioned if this expense is due to an accounting error.

Scott Steinloski, Tourism Promoter, stated the lease of the modem was not included in the original proposal for internet service.

Motion by Council Member Butler, seconded by Council Member Wentz to

\$100.00

approve an additional \$100 to the tourism internet budget to cover the internet equipment lease cost, as recommended by the Lodging Tax Advisory Committee. Motion carried unanimously; Council Member Vanover absent.

Authorize Mayor to Negotiate Professional Service Agreements with Huibregtse, Louman Assoc., Inc. for S. Broadway Water & Sewer Study; Ahtanum Road Grind & Overlay; and Non-Motorized Loop Right-of-Way Easement Acquisition

Motion by Council Member Wentz, seconded by Council Member Matson to authorize the Mayor to negotiate professional service agreements with Huibregtse, Louman Assoc., Inc. for S. Broadway Water & Sewer Study; Ahtanum Road Grind & Overlay; and Non-Motorized Loop Right-of-Way Easement Acquisition projects.

Council Member Olson commented he does not know who was on the Council committee, but the Ahtanum Road School Crossing Signal was separated from the other projects. He stated most of the work is engineering and could be done by Huibregtse Louman and then they could sub the rest to Kittelson because Kittelson mostly does studies, not engineering.

Mayor Lemon stated this will be cheaper than if Huibregtse Louman subs it out to Kittelson and this was the only project Kittelson was interested in.

Mayor Lemon called for a vote on the motion by Council Member Wentz, seconded by Council Member Matson to authorize the Mayor to negotiate professional service agreements with Huibregtse, Louman Assoc., Inc. for S. Broadway Water & Sewer Study; Ahtanum Road Grind & Overlay; and Non-Motorized Loop Right-of-Way Easement Acquisition projects. Motion carried unanimously; Council Member Vanover absent.

Authorize Mayor to Negotiate a Professional Service Agreement with Kittelson & Assoc., Inc. for Ahtanum Rd. School Crossing Signal Upgrade & Pedestrian Facilities Improvements

Motion by Council Member Olson, seconded by Council Member Matson to authorize the Mayor to negotiate a professional service agreement with Kittelson & Assoc., Inc. for Ahtanum Rd. School Crossing Signal Upgrade & Pedestrian Facilities Improvements. Motion carried unanimously; Council Member Vanover absent.

TIGER Fund Grant Application

Mayor Lemon informed Council Member Olson requested this item be placed on the agenda, and Jeff Louman, Huibregtse Louman Associates is here to discuss this item.

The Public Works Director distributed information from Jeff Louman.

Jeff Louman explained the TIGER grant is part of the stimulus plan signed in February. He informed the City will be opening bids on Wednesday on two projects that were funded by a different type of stimulus money. He stated this application is due September 15<sup>th</sup> and is for \$20 million to \$300 million projects. He informed there is no application form because this is brand new. Transportation projects for municipalities need to be arterial or major collector streets. He proposed applying for funds for the following projects:

Beltway Arterial – Construct a new limited access four-lane/five-lane arterial from Goodman Road to approximately 3,000 feet into the Marquis property. Construct roundabouts at the Phase 1 south end termini and at the Longfibre Road intersection.

Longfibre Road – Construct a new three-lane arterial from Ahtanum Road to the new Beltway roundabout including a new bridge across Wide Hollow Creek.

Ahtanum Road – Reconstruct and widen Ahtanum Road to a five-lane arterial from Goodman Road to South 15<sup>th</sup> Avenue. Replace the bridges across Bachelor Creek and Wide Hollow Creek, and the bridge on Goodman Road across Wide

Hollow Creek.

Mayor Lemon called the Council's attention to page 4 of Mr. Louman's report showing the estimated cost of preparing a TIGER grant application to be \$20,000 to \$25,000 and the estimated cost of the recommended environmental permit services and initial preliminary engineering to be \$25,000 per month for a minimum of at least the next six months, making the total estimated cost \$175,000 to \$200,000.

Mr. Louman informed the City would essentially have to start the project and spend the money first to qualify for the grant because the City needs to have the environmental completed and be in a position to continue the project.

Council Member Wentz commented the City has been extraordinarily lucky to have gifted people like Mr. Louman and the Public Works Director to get the money we have already received for a community our size, but the City does not have the dollar figures for this grant application.

Mr. Louman stated this is a once in a lifetime opportunity and the City will have to go out on a limb for this application, but the environmental work on the bridges will still be valuable in the future even if this grant is not obtained. He stated there may be private developers willing to contribute to the project, and the City has strong support from State Fish and Wildlife and Yakima County because of the flood issues.

Mayor Lemon questioned what the City's chances are of obtaining this money.

Mr. Louman stated this application will have nationwide competition and encouraged the Mayor and Council to read the Federal Registry to obtain more information.

Council Member Wentz stated there is no arguing the point that this is a worthwhile project, and if the City had the funds we had last year this would be no problem, but we have no funds this year, and it does not work anymore to say we will find the money somewhere.

Council Member Olson stated he checked with the City Treasurer and there is \$280,000 in the ending fund balance of the Infrastructure Reserve Fund and these studies have to be done to widen Ahtanum Road.

Mayor Lemon questioned if the Council wished to form a committee to review this information further.

After discussion, a committee of Council Members Olson, Wentz, and Matson was formed to review this information.

Council Member Matson questioned what type of support the City would receive from agencies such as Fish and Wildlife.

Mr. Louman stated letters of support, but no financial support. He also stated this project is of interest to the Marquis family and they will also be supporters. He commented if the City does not make an application there will be no funding, but the City has to complete the environmental work in order to qualify for the funding.

Council Member Wentz stated the money is the question; this is an amazing opportunity, but the Council can't be grandiose risk takers. He questioned how long it would take to find out if there are others who would partner with the City.

Mr. Louman informed the State is not in a position to help financially. He stated

he and Ross Widener, an environmental consultant who assisted the City in getting environmental approvals for Valley Mall Boulevard Phase III, found a significant amount of support for this project from area agencies, Union Gap has a lot of support from Senators and Congressmen, and this project is part of the TransAction effort.

Mayor Lemon suggested this be discussed at the committee level and put on the next agenda after the committee meets.

Amended  
Comprehensive Land  
Use Plan

Council Member Olson commented he read through the Comprehensive Land Use Plan (Comp. Plan) and most of the issues he found were typographical errors or terminology that needs to be updated.

Council Member Wentz questioned if the document can be cleaned up after adoption since this is a draft.

The Development Coordinator stated the changes can be made after adoption if they are limited to typographical errors and terminology that does not change the meaning.

Council Member Matson stated he has issues with an application the Planning Commission denied and questioned if he should recuse himself.

The City Attorney informed Council Member Matson needs to make a disclosure and step down if there are any objections.

Council Member Olson commented Council Member Matson's application was denied, but he was encouraged to refine his request and re-submit his application next year.

Mayor Lemon stated Council Member Matson can recuse himself if he wishes.

The Development Coordinator encouraged the Council to keep their draft Comp Plans at least until after the adoption of the plan by ordinance at the next Council meeting.

Discussion of Freezing  
Employee Wages

Council Member Olson suggested tabling this item in lieu of the letter received today from the AFSCME representative so there is no issue with the union.

Council Member Matson stated he requested this item be on the agenda, but when he brought it up unions did not even factor in his mind. He stated the only reason he brought it up is because of the economy and if the City keeps paying more and more he does not know what the City is going to do.

Yvette Lewis, AFSCME Union Representative of the Public Works employees, informed that the City and the union are shortly entering into negotiations and the fact that the Council is entering into discussions regarding personnel that are usually held in Executive Session is not good faith bargaining. She also informed her letter refers to increasing wages in the Parks Department because of the wording on the Council agenda.

Mayor Lemon questioned if discussion of a pay freeze was an appropriate topic for Executive Session.

The City Attorney stated a pay freeze in general when not discussing a particular union contract is not appropriate for Executive Session.

Mayor Lemon informed he did not know what Council Member Matson wanted to discuss when he requested this be on the agenda.

Ms Lewis informed since the City and union will soon be in negotiations, this is not proper to discuss and she wanted to bring that to the Council's attention.

Council Member Matson stated he is concerned about our Police Department, for instance, because we have a good Police Department.

Council Member Wentz stated we have a good Public Works Department also. Ms Lewis stated the City has very good, dedicated employees across the board. Council Member Matson stated he is concerned that if the City does not do something the money will run out and he wants to protect jobs and not have to lay people off.

Ms Lewis informed this should all be discussed in negotiations.

Mayor Lemon agreed and informed he does not wish to conduct negotiations at the Council meeting.

Council Member Matson stated his concern is that the City not lose anyone because the City has quality people and he just wanted to discuss this with the other Council members.

Jo Collier, Teamsters Clerical Union Steward, recommended the Council not discuss this subject because it is part of negotiations and according to her union representative, this could be considered an unfair labor practice especially when the City is continuing to bring on seasonal employees while discussing freezing wages.

The City Attorney stated he thought this item was on for discussion so he could let the Council know that this is a subject of negotiations and the City cannot freeze wages on a current contract.

Council Member Matson informed he was talking about a temporary wage freeze.

Ms Lewis informed there are current union contracts in force at this time and in order to do anything the City and the union have to negotiate and it is very edgy for the Council to be discussing this at this time. She stated it very well could be an unfair labor practice, but she had not wanted to bring that up.

Mayor Lemon stated if he thought this would be a problem he would have let the union know.

Fred Thomson stated the average citizen on the street would think about cutting the wages of the elected officials before cutting the wages of staff.

Council Member Matson stated he just does not want anyone to lose their job because the hardest choice would be deciding who would have to be let go.

Mayor Lemon informed layoffs are covered by union contracts also.

Park Board  
Appointment

Mayor Lemon requested the Council confirm the appointment of Fred Thomson to the Park Board.

Motion by Council Member Wentz, seconded by Council Member Butler to confirm the appointment of Fred Thomson to the Park Board. Motion carried unanimously; Council Member Vanover absent.

Items from the  
Audience

Animal Ordinance. Anita Hargraves, Whatcom Avenue, stated she is being harassed by her neighbor because she has 5 dogs. She recently found out the City has an ordinance that only allows 4 dogs. She requested the Council

reconsider the ordinance to allow her additional dogs because she is on a large lot, and she is working with Officer Silva from the Humane Society.

Mayor Lemon commented she has a ½ acre lot.

Council Member Wentz questioned if there was a grandfather clause included in the ordinance.

The City Attorney informed typically grandfather clauses apply to animal ordinances, but he would need to review the City's ordinance that was passed in 2008 to see.

Council Member Matson questioned how long Ms Hargraves has owned these dogs.

Ms Hargraves stated she had 3 dogs but one had puppies in January and she kept 2 puppies so now she has 5 dogs. The dogs are all spayed and neutered except the puppies.

Council Member Wentz stated the Council cannot change the ordinance for Ms Hargraves and not everyone else.

Ms Hargraves stated if the Council does not change the ordinance she will be out of compliance.

Mayor Lemon stated he and the Police Chief met with Ms Hargraves today and informed her she could come into immediate compliance by placing one of the dogs with someone else.

Youth Council. Donald Beddoe, Youth Council President, welcomed Thelma Beddoe, his mother, as the new Volunteer Youth Council Coordinator.

Mayor Lemon informed a background check has been completed on Ms Beddoe.

Thelma Beddoe stated the kids asked her to help them and she is excited about helping.

Joint Board. John Hodkinson thanked the Development Coordinator and City Attorney for attending a recent meeting regarding the Joint Board situation and encouraged the Council to send a representative also.

Council Member Wentz stated he attempted to attend, but his job conflicted.

Council Member Matson stated he wanted to attend also, but was in Colorado.

Mr. Hodkinson recommended Council Member Olson attend because he has the background of why the Joint Board was created and the purposes for the Board. He stated the people currently representing the City of Yakima and Yakima County have no history.

Mayor Lemon stated he would take Mr. Hodkinson's recommendation under consideration.

Develop Agenda for  
July 27, 2009 Council  
Meeting

Animal Ordinance. Mayor Lemon polled the Council to see if they wished to discuss changing the animal ordinance at the next meeting. Council Member Olson said yes; Council Members Bateman, Matson, Wentz, Murr, and Butler said no. Mayor Lemon explained there is no point in putting this item on the agenda because at best it would be a 5-2 vote against changing the ordinance.

Council Member Wentz commented that if Ms Hargraves had had the dogs for a

long time the Council might be able to do something, but the Council cannot keep increasing the number of animals.

Council Member Matson commented other people in the community have already had the hardship of giving up some of their pets and it would be unfair to others to change the ordinance now.

Council Member Wentz stated it was a challenge to pass the ordinance allowing 4 dogs because several people wanted the ordinance to say 2 dogs.

Departmental Reports

Mayor Lemon informed the following reports are in the packet and questioned if the Council has any questions of the departments: Building/Mechanical & Plumbing Report – June 2009; and Tourism Promoter Status Report – May/June 2009.

He stated due to the time he was not asking the department heads to report.

Communications/  
Questions/Comments

Valley Mall Boulevard Ribbon Cutting Ceremony. Fred Thomson commented if everyone attends the ribbon cutting ceremony the traffic will be a nightmare.

Mayor Lemon informed there will be traffic control.

Mayor’s Choice For Parade Float. Mayor Lemon announced his choice for the float at the parade is the Youth Council float because they made the float themselves with donated materials. He presented a trophy donated by TSR Sports to Donald Beddoe, Youth Council President. Mayor Lemon then thanked Council Members Olson and Bateman for working with the Youth Council.

Adjournment

At 8:57 p.m., Mayor Lemon adjourned the Regular Council meeting to a 30-Minute Executive Session to discuss potential litigation. Attending the Executive Session were the Mayor, Council members, City Attorney, Public Works Director, and City Treasurer.

At 9:25 p.m. the Executive Session was continued for another 30-minutes.

*These minutes dated July 13, 2009 were approved at the Regular Council Meeting of July 27, 2009.*

\_\_\_\_\_  
Jim Lemon  
Mayor

ATTEST:

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Kathryn Thompson, CMC  
City Clerk