

**UNION GAP CITY COUNCIL REGULAR MEETING**  
**Council Chambers, City Hall**  
**Union Gap, Washington**  
**July 27, 2009**

Call to Order Mayor Lemon called the Regular Meeting of the Union Gap City Council to order at 7:02 p.m.

Council Members Present Council Members David Butler, Dan Olson, Glenn Bateman, Dan Vanover (7:16 p.m.), 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; Curtis Santucci, Police Officer; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.

Audience Present Fred Thomson, Clarence Barnett, Michael Murr, Stephanie Korn, Debbie Matson, John Hodkinson, Chad Lenz, Julie Schilling, and others were present.

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 July 13, 2009, as sent out on pages 4941 through 4950 of the Minute Book.

Approve Claim Voucher Nos. 75003 through 75111 in the amount of \$261,570.28 dated July 27, 2009 and transfer from the operating funds to the Claims Fund.

Adopt and Publish Ordinance No. 2623, An Ordinance relating to land use planning; adopting a revised comprehensive plan as required by the Washington State Growth Management Act; and repealing the Union Gap Comprehensive Plan as adopted by Ordinance No. 2084 and its amendments as adopted by Ordinance No. 2553; and providing for the revival of the Union Gap Comprehensive Plan and amendments thereto if the new plan is invalidated.

Adopt Resolution No. 793, A Resolution creating the Citizens For Union Gap's Future Committee.

Adopt Resolution No. 794, A Resolution amending Resolution No. 438; adopting a tuition reimbursement and fire service college intern program for volunteers of the Fire Department.

Motion carried unanimously; Council Member Vanover temporarily absent.

Resolution No. 795 – Interlocal Agreement with City of Yakima for Use of Fire Station 86 Motion by Council Member Wentz, seconded by Council Member Murr to adopt Resolution No. 795, A Resolution authorizing the Mayor to sign an Agreement with the City of Yakima for the City of Yakima's Use of Fire Station 86. Motion carried unanimously; Council Member Vanover temporarily absent.

Resolution No. 796 – Recognizing South Union Gap Beltway Project as a Priority Motion by Council Member Wentz, seconded by Council Member Olson to adopt Resolution No. 796, A Resolution recognizing the South Union Gap Beltway project as a priority for the City of Union Gap; and authorizing the funding of the preparation and submittal of a TIGER Grant Application.

Council Member Matson commented he supports this project, but questioned the language in the resolution that says this project should be regarded as top priority regardless of funding availability.

The City Attorney informed the project has to be listed on the 6-year Transportation Improvement Program (TIP) as a priority regardless of funding. Under the guidelines for the TIP, if funding becomes available the priority of the project goes up.

Council Member Butler stated at the last Council meeting there was a question regarding funding this application and questioned if the City has the money for the application.

Council Member Wentz stated after having two meetings with Jeff Louman, it was determined that \$200,000 is way over the amount necessary at this time. The application will be closer to \$20,000 and there is a verbal agreement with the Marquis family for funding help. The Public Works Director also has money in the budget from another project that won't be done this year so the funding is more manageable. He stated it is important that the project progress, but it will be multi-phased.

Council Member Butler stated he does not see the importance of this project if it is just extending to South 3<sup>rd</sup> Avenue.

Council Member Wentz stated this project is a start to opening up vacant land for more industrial development and the South End Interchange is a goal that will eventually be realized.

The Public Works Director stated this long term project will open up 200 to 300 acres of land, the Washington State Department of Transportation will be performing some of the environmental work for the interchange, and the vision is to tie this into Naches or Glead. He stated the intent is to get this into the Federal funding partners' hands and get them familiar with this project for future funding. He stated this will be a regional project like Valley Mall Boulevard and it will benefit Union Gap by opening up access and allowing growth.

Council Member Matson questioned if this project will help with some of the water issues at the south end of Union Gap.

The Public Works Director stated the Department of Fish & Wildlife is interested in this project because it will help with flooding and environmental issues.

Council Member Olson stated he is in favor of the project because of the safety factor for the Union Gap School. He stated this project will remove trucks from going in front of the school and the project will be good for economic development by opening up land for development making more jobs in the area.

John Hodkinson commented the original right-of-way for Valley Mall Boulevard was acquired in the 1980's and it has taken this long to get the project done. He stated projects on the 6-year TIP bounce up and down according to funding and the beltway concept has been discussed for quite a while. He informed the Urban Area Planning Commission will be looking at this as soon as the West Valley Plan is finished, and this will open up development to increase Union Gap taxes.

Council Member Butler commented this will take business away from Main Street businesses that have existed for many years.

Mr. Hodkinson stated he believes traffic on Main Street will increase, not decrease.

Council Member Vanover questioned the status of the West Valley plan.

Mr. Hodkinson stated the plan is supposed to be presented to the Urban Area Planning Commission within the next 2 months. He stated the beltway is proposed to come off Ahtanum at about 90<sup>th</sup> Avenue to go to West Valley and Naches.

After discussion, Mayor Lemon called for a vote on the motion by Council Member Wentz, seconded by Council Member Olson to adopt Resolution No. 796, A Resolution recognizing the South Union Gap Beltway project as a priority for the City of Union Gap; and authorizing the funding of the preparation and submittal of a TIGER Grant Application. Motion carried unanimously.

Council Member Olson commented the resolution does not mention the funding for the TIGER grant application.

Council Member Wentz stated the private partnership needs to be in writing before the Council passes an expenditure ordinance.

The City Attorney stated Mr. Louman will be preparing an agreement for Council and the agreement will be authorized by a resolution and then a budget amendment ordinance will be prepared.

Motion by Council Member Wentz, seconded by Council Member Olson to amend Resolution No. 796 to add authorization for up to \$50,000 for the preparation and submittal of a TIGER Grant Application for the South Union Gap Beltway project. Motion carried unanimously.

Award Bid – N. Rudkin  
Road and Main/  
Ahtanum Road I/S  
Project

Motion by Council Member Wentz, seconded by Council Member Olson to accept the most qualified, lowest bid submitted by Granite Northwest, Inc. in the amount of \$187,187.00 for the N. Rudkin Road and Main/Ahtanum Road I/S Project. Motion carried unanimously.

Award Bid – Wide  
Hollow Creek Pathway  
2 Project

Motion by Council Member Wentz, seconded by Council Member Vanover to accept the most qualified, lowest bid submitted by Durand's Inc. in the amount of \$81,837.00 for the Wide Hollow Creek Pathway 2 Project. Motion carried unanimously.

Preliminary Binding  
Site Plan Submitted by  
The Green Pitt, LLC

The Development Coordinator explained this preliminary binding site plan was approved by the Hearing Examiner with conditions after a public hearing was held. He stated there was no opposition at the public hearing. He informed the Council can either accept the Hearing Examiner's recommendation or conduct their own closed record public hearing.

Motion by Council Member Wentz, seconded by Council Member Vanover to accept the Hearing Examiner's recommendation to approve the preliminary binding site plan with conditions. Motion carried unanimously.

Discussion of Fire Dept.  
Ladder Truck & Auto  
Aid Agreement

The Fire Chief informed this item relates to the work he has been doing to prepare for the re-evaluation with the rating bureau. He stated in the past the City had a ladder truck, but it was declared surplus and sold. Without the availability of a ladder truck, the insurance rates will go up 5 to 10 percent for residents and businesses. He informed the City cannot afford to purchase, house, and staff a ladder truck. He has been discussing an auto aid agreement with the Yakima Fire Chief, and Union Gap could buy into the maintenance and operation of 3 ladder trucks with an auto aid agreement that would ensure Yakima responds to all major fires on the first alarm for \$100,000 for 10 years, which is only \$10,000 a year. He stated the maximum term the rating bureau will allow the agreement to be is 10 years.

Motion by Council Member Wentz, seconded by Council Member Vanover to approve the buy-in purchase of ladder truck services with the City of Yakima

Discussion of draft  
Ordinance No. 2624 –  
Amending Municipal  
Code – Stormwater  
Illicit Discharge &  
Connections

and authorize staff to prepare an Auto Aid agreement for Council adoption. Motion carried unanimously.

The Public Works Director informed the City of Union Gap, Yakima County, and the cities of Yakima and Sunnyside are participating in a Regional Stormwater Permit that requires certain ordinances to be adopted. This ordinance is the bare minimum required and was drafted by Yakima County to regulate illicit discharges and connections. He stated the City of Yakima has changed some of the language, but he has not reviewed the changes yet. He stated Central Washington Home Builders Association (CWHBA) has been very involved in this process because it impacts construction activities and it would be best if all jurisdictions' ordinances are similar.

Council Member Matson stated he would like to be able to review all of the ordinances, and questioned when people are allowed to discharge stormwater to the City.

The Public Works Director stated in the past people were encouraged to discharge to the City, and Union Gap has a few, but now most of the stormwater is handled on the site.

Council Member Olson commented there is a big difference between the City of Yakima ordinance and this ordinance; Yakima has added 10 categories.

The Public Works Director stated Yakima County would like this ordinance passed by August 16<sup>th</sup>. He informed he will get a copy of each jurisdiction's ordinance and make copies for the Council. After the Council gives him their comments, he will bring this back to the full Council for adoption.

Council Member Vanover questioned if fire hydrant flushing is prohibited.

The Public Works Director stated fire hydrant flushing is allowed if it is planned and de-chlorinated.

Council Member Vanover questioned if people will be allowed to wash their cars.

The Public Works Director stated detergents cannot be washed into the storm drain, but people can wash cars on the yard.

Mayor Lemon questioned who the authorized official is under this ordinance.

The Public Works Director stated usually the Public Works Director but it is also the City Attorney, Police Department, Building Official and ultimately the City Council.

Mayor Lemon questioned if this ordinance requires the City to police for stormwater violations.

The Public Works Director stated only for enforcement because public works can't write citations.

Clarence Barnett, representing CWHBA, distributed a handout of his testimony regarding this ordinance. He suggested the following changes to the ordinance:

1) Section 12.22.100 C be changed to read, "In such cases where the illicit connection was made in the past, the current person shall have a period of 30 days to voluntarily remove the connection."

2) The last sentence of Section 12.22.120 A be added to read, "Any person seeking additional time based on extenuating circumstances has the burden of

proof for requiring the delay.”

3) A sentence in Section 12.22.180 C be changed to read, “In the performance of that investigation, an authorized official may enter upon property with known or suspected illicit discharges or connections and make examinations and surveys necessary . . .”

4) A sentence in Section 12.22.180 D be changed to read, “Whenever an authorized official determines that a violation has occurred or is occurring, he or she SHALL pursue reasonable attempts to secure voluntary corrections. . .”

5) A new last sentence be added to Section 12.22.180 F to read, “Any person seeking additional time based on extenuating circumstances has the burden of proof for requiring the delay.”

6) A provision be made for a person to have the right to an Administrative Hearing to contest the decision or order prior to filing a notice of infraction with the court. If may is changed to shall in number 4 above, this provision will not be necessary.

John Hodgkinson informed he has spent a lot of time going through this process and there are a lot of changes from what Yakima County has in the ordinance. He also commented that if this is adopted there will not be anymore church car washes.

Mayor Lemon questioned if the Council agrees to the changes proposed by CWHBA.

It was the consensus of the Council that the changes be incorporated into the ordinance and the ordinance be placed back on the agenda after the Council has reviewed other jurisdictions’ ordinances.

Council Member Vanover stated extenuating circumstances needs to be clearly defined as well.

Items from the Audience

There was no one present wishing to speak.

Develop Agenda for Aug. 10, 2009 Council Meeting

There were no additions to the August 10, 2009 Council Agenda.

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 – June 2009; Police Department Status Report – June 2009; New Businesses Report – June/July 2009; Fire Department Status Report – June 2009; Treasurer’s Report – May 2009; and Tax Revenue Report – June 2009.

Council Member Matson commented that Officer James and Daisy and other drug dogs from the area have used his storage area for training and he thinks it was good training and hopes they will use it again.

Communications/ Questions/Comments

Council Member Olson commented the City Treasurer provided current expense shortfalls and outstanding revenues and questioned if the City has any idea what the second half of the property taxes will look like.

The City Treasurer stated the second half of the property taxes will come in around November and we have no way of knowing the amount.

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Mayor Lemon stated the shortfall is almost 7 percent and the City could be ½ million dollars short if this continues the rest of the year.

Adjourn to 30 – Minute  
Executive Session

At 8:11 p.m. Mayor Lemon adjourned the Regular Council meeting to a 30-minute Executive Session to discuss collective bargaining and potential litigation. Attending the Executive Session were the Mayor, Council Members, City Attorney, and Public Works Director.

At 8:40 p.m. the Executive Session was continued for another 30-minutes.

*These minutes dated July 27, 2009 were approved at the Regular Council Meeting of August 10, 2009.*

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Jim Lemon  
Mayor

ATTEST:

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Kathryn Thompson, CMC  
City Clerk