

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
June 23, 2008

- 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, Roger Wentz, Dave Matson, and James Murr (7:15 p.m.) 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 Fred Thomson, Bill Cox, Bill Hordan, Joe & Linda Jackson, Debbie Matson, Andrea Vasquez, Edward Monjaraz, Dawn, Jimmy, Aimee & Nicholas Lemon, Don & Todd Monroe, Michael & Joshua Murr, Stephanie Korn, Ray Kempf, John Hodkinson, Phil Salzman, Nathan Kwak, and others were present.
- Pledge of Allegiance Council Member Butler led the Pledge of Allegiance.
- Consent Agenda Motion by Council Member Olson, seconded by Council Member Wentz to approve the consent agenda, as follows:
- Approve the Regular Council Meeting Minutes, dated June 9, 2008, as sent out on pages 4802 through 4806 of the Minute Book.
- Approve Claim Voucher Nos. 72089 through 72183 in the amount of \$248,011.40 dated June 23, 2008 and transfer from the operating funds to the Claims Fund.
- Approve Petty Cash Check Nos. 1522 through 1526, issued and paid in the month of May, in the amount of \$247.90.
- Approve Municipal Court Check Nos. 3057 through 3073, issued and paid in the month of May, in the amount of \$35,170.59.
- Approve Advanced Travel Check Nos. 1025 through 1026, issued and paid in the month of May, in the amount of \$1,178.00.
- Adopt and Publish Ordinance No. 2566, An Ordinance amending the 2008 Budget authorizing the expenditure of \$13,019 from the Contingency Fund.
- Adopt and Publish Ordinance No. 2569, An Ordinance amending the 2008 Budget authorizing the expenditure of \$50,000 from the CDBG Housing Rehab Fund (170), by reducing the Current Expense beginning fund balance.
- Adopt and Publish Ordinance No. 2570, An Ordinance amending the 2008 Budget authorizing an interfund transfer of \$175,000 from the Current Expense Fund to the Garbage Fund, by reducing the Current Expense beginning fund balance.
- Adopt Resolution No. 723, A Resolution amending existing Resolution No. 691, Section 1, regarding membership of the Lodging Tax Advisory Committee.
- Authorize Line Item Budget Transfers as follows: \$3,800 from 001.572.50.47 to 001.518.20.47; \$504.63 from 001.572.50.42 to 001.518.20.42; \$10 from 001.574.21.41 to 001.574.21.48; \$80 from 132.573.95.43 to 132.573.90.45; \$250 from 001.513.10.41 to 001.513.10.32; \$200 from 132.573.95.41 to

132.573.95.44; \$60 from 132.573.95.41 to 132.573.95.31; \$375 from 132.573.95.48 to 132.573.95.31; \$207.08 from 001.512.50.49 to 001.512.50.48; \$169 from 001.512.50.43 to 001.512.50.46; \$104.37 from 001.512.50.43 to 001.512.50.31; \$75.48 from 001.524.20.47 to 001.518.20.47; \$2,100 from 001.512.50.42 to 001.512.50.31.

Motion carried unanimously; Council Members Vanover and Murr absent.

Addition to Agenda –
Resolution No. 725 –
Performance Reviews
of all City Departments

Motion by Council Member Wentz, seconded by Council Member Olson to add Resolution No. 725, A Resolution requesting and authorizing the Mayor to make a written request to the State Auditor’s Office for formal performance reviews of the City’s departments to the agenda. Motion carried unanimously; Council Members Vanover and Murr absent.

Mayor Lemon informed he called the State Auditor’s office and was told the cost of the performance review would be paid from the state’s portion of sales tax revenues.

Motion by Council Member Olson, seconded by Council Member Wentz to adopt Resolution No. 725, A Resolution requesting and authorizing the Mayor to make a written request to the State Auditor’s Office for formal performance reviews of the City’s departments. Motion carried unanimously; Council Members Vanover and Murr absent.

Ordinance No. 2567 –
Accepting Hearing
Examiner Recom. to
Approve Application of
White-Leasure Dev. Co.
for Rezone of Property

Motion by Council Member Wentz, seconded by Council Member Olson to adopt and publish Ordinance No. 2567, An Ordinance reclassifying the zoning of approximately 45 acres from a combination of CBD Commercial and Light Industrial to Regional Commercial as recommended by the Union Gap Hearing Examiner. Motion carried unanimously; Council Members Vanover and Murr absent.

Ordinance No. 2568 –
Amending Municipal
Code – Relating to
Correctional Facilities

Motion by Council Member Wentz, seconded by Council Member Olson to adopt and publish Ordinance No. 2568, An Ordinance amending Union Gap Municipal Code Title 17, which is referred to as the City’s Zoning Code.

The Development Coordinator informed the Council can accept the recommendation of the Planning Commission or reject the recommendation. He informed this ordinance establishes the definition of correctional facility and establishes that those facilities can only be located in the Light Industrial and Wholesale Warehouse districts after a Class 3 review.

Council Member Matson questioned if the existing facility is grandfathered in.

Mayor Lemon commented the existing facility is not currently doing business.

The City Attorney informed that is a fact specific issue because non-conforming uses that are no longer operating would lapse depending on the period of non-activity of that use.

Council Member Wentz questioned if the City Attorney would send a letter to Yakima County giving his legal opinion about the re-opening of the facility, especially because one Commissioner has said they are looking at expanding the site to a Federal prison.

Mayor Lemon informed he will work with the City Attorney, but stated the facility was located under a conditional use permit and the use of the facility has always been limited; this ordinance just makes it clearer.

Mayor Lemon called for a vote on the motion to adopt and publish Ordinance No. 2568, An Ordinance amending Union Gap Municipal Code Title 17, which is referred to as the City’s Zoning Code. Motion carried unanimously; Council

Resolution No. 722 –
Agreement with Central
Washington Antique
Farm Equipment Club

Members Vanover and Murr absent.

Motion by Council Member Wentz, seconded by Council Member Olson to adopt Resolution No. 722, A Resolution authorizing execution by the Mayor of the annual Agreement For Distributing Information For Purpose of Attracting Visitors and Encouraging Expansion Re: 2008 Central Washington Antique Farm Exposition.

Council Member Wentz commented it is remarkable how much has been accomplished at the Agricultural Museum.

Council Member Olson reminded everyone to remember that there is a difference between the Agricultural Museum and this association.

Todd Monroe, President of the Central Washington Antique Farm Equipment Club, informed they are the club that puts on the exposition every August. He informed since they moved here in 1991 they have helped the Museum grow, and the Museum has helped their club grow. He then thanked the Council for their financial support each year.

Mayor Lemon called for a vote on the motion to adopt Resolution No. 722, A Resolution authorizing execution by the Mayor of the annual Agreement For Distributing Information For Purpose of Attracting Visitors and Encouraging Expansion Re: 2008 Central Washington Antique Farm Exposition. Motion carried unanimously; Council Member Vanover absent.

Resolution No. 724 –
Fire Department Grant
Application to Dept. of
Homeland Security -
2008 SAFER Grant

Council Member Olson commented he does not have a problem with applying for the grant, but he is concerned about the budget, and does not know if the City will be able to accept the grant if we are chosen.

Council Member Wentz stated \$761,000 is a huge amount of money.

The Fire Chief informed he made a mistake on the Council packet information, the \$761,000 is the total amount, the City's portion would be \$544,770. He informed the grant application is due Friday, and the City will probably be notified in six to nine months.

Council Member Olson commented this will have to be included in plans for next year's budget.

Motion by Council Member Olson, seconded by Council Member Bateman to adopt Resolution No. 724, A Resolution authorizing application by the Fire Department to the Department of Homeland Security under the 2008 SAFER grant for two additional fire fighters.

Council Member Matson questioned if the fire department's overtime costs will pay for adding two fire fighters.

Council Member Wentz stated the City will always have overtime and the savings in overtime costs will not even come close to paying for two employees.

Mayor Lemon commented additional employees increases the costs of salaries and benefits. He also informed the overtime budget has about been depleted in only six months, and department heads have been told to find overtime money elsewhere in their budgets.

Council Member Wentz commented having two or three more fire fighters would be ideal, but the City has to have the money.

Mayor Lemon called for a vote on the motion to adopt Resolution No. 724, A Resolution authorizing application by the Fire Department to the Department of Homeland Security under the 2008 SAFER grant for two additional fire fighters.

Motion carried: Council Members Butler, Olson, Bateman, Matson, and Murr voting in favor; Council Member Wentz voting no; Council Member Vanover absent.

Demolition of Garages and Debris on City Property

Motion by Council Member Olson, seconded by Council Member Butler to authorize an expenditure of up to \$16,600 for asbestos analysis, site demolition and hauling of: 3112 1st Street, Garage; 3107 2nd Street, Debris; 3109 2nd Street, Debris, Garage; 3111 2nd Street, Debris, Garage. Motion carried unanimously; Council Member Vanover absent.

Council Member Olson questioned if the City is waiting until the houses are removed.

Mayor Lemon stated yes, but if the houses are not removed by the deadline, the City will remove those also.

Final Acceptance of Gardner Condominiums Water Line Extension

Motion by Council Member Wentz, seconded by Council Member Murr to declare the Gardner Condominiums Water Line Extension project complete and authorize final acceptance by the City. Motion carried unanimously; Council Member Vanover absent.

Advertise for Bids – Wide Hollow Creek Pathway Project

Council Member Matson stated he does not know anything about this project.

The Public Works Director informed this project has been on the books since about 2000. During the development of Ahtanum Ridge Business Park (ARBP), the developer agreed to make improvements to one of the bridges and develop a footpath along the creek from Goodman Road to Bay Street. He informed a grant was obtained with ARBP paying the \$6,000 matching money. Since the project is projected to cost more now, the City is going back to the granting agency to see if additional dollars are available so the entire project can be completed. He informed there are also plans for a pathway from Fullbright Park to the Youth Park and in his opinion; all pathways in the community should be connected.

Motion by Council Member Olson, seconded by Council Member Wentz to authorize staff to advertise for bids for the Wide Hollow Creek Pathway Project. Motion carried unanimously; Council Member Vanover absent.

Survey Work to Reestablish Property Corners at Old Town Road and Main Street

Mayor Lemon informed when the Old Town Road/Main Street improvements were made, the City did a property swap with Cascade Licensing. The City promised to replace the survey pins, but that promise was never fulfilled.

Motion by Council Member Olson, seconded by Council Member Butler to authorize Huibregtse Louman Associates Inc. to perform the necessary survey work to reestablish property corners and place property pins at the intersection of Old Town Road and Main Street, and file the revised survey with the Yakima County Auditor's office; for the amount of \$2,400, which is to be taken from Street Fund Professional Services. Motion carried unanimously; Council Member Vanover absent.

Council Member Olson questioned if this takes care of the survey pins on the second lot as well.

The Development Coordinator informed this corrects all the pins, including the one between Lots 1 and 2.

Items from the Audience

Graffiti. Edward Monjaraz, Union Gap resident, informed his fence was hit with graffiti on June 13th when he was out of town. His son was watching his place when the Code Enforcement Officer came to the home. He stated he felt Mr. Pickard was being forceful with his son about taking care of the graffiti and wanting to paint his fence. Mr. Monjaraz told his son not to sign the release because he would take care of it when he returned. He informed his fence is vinyl and you

cannot paint a vinyl fence. He stated the Code Enforcement Officer gave his son a Graffiti Gone card, but did not tell him they would remove the graffiti at no cost. After returning home, Mr. Monjaraz learned that Graffiti Gone has a contract with the City and will remove the graffiti for free, so he made arrangements for Graffiti Gone to remove the graffiti. He informed he is retired law enforcement and realizes it is difficult to catch the people doing the graffiti, but informed what was painted on his fence is associated with a gang in Wapato and Toppenish and within an hour and a half of returning home he found out that five of the gang members live in the nearby trailer court. Mr. Monjaraz informed he is concerned about the conduct of the Code Enforcement Officer because he is Graffiti Gone's contact with the City and he told his son he could contact Graffiti Gone but they might charge him. He stated he should be telling people there is a contract with the City and the graffiti removal is free. He also informed the fence will still have a shadow after the graffiti removal and he is contacting his insurance company, but he does not want to be cited by the City in the meantime.

Fire Hazard. Mr. Monjaraz informed he has a second complaint that is in writing, and presented a letter to the Mayor regarding a previous complaint of a fire hazard near his home.

Mayor Lemon gave a copy of the second complaint to the Development Coordinator, and instructed staff to modify the graffiti release so the citizens can choose if they want the graffiti painted over or removed. He also instructed the Development Coordinator to make sure the Code Enforcement Officer knows the graffiti removal is free to residents.

The Police Chief informed the Police Department is actively looking and charging all people they find committing graffiti.

Report from Graffiti Gone. Nathan Kwak, Graffiti Gone, informed he has been working with the Police Department and Code Enforcement. He stated the contract reads that the City informs Graffiti Gone with a release and then Graffiti Gone goes out and removes the graffiti. He informed Code Enforcement has given him four locations for removal and the Police Department has been sending reports of graffiti. He stated he has removed graffiti from a couple of trees, and he recently obtained a release from Stanton School and is getting releases from Union Gap School and Martin Luther King School. He stated they have removed about \$3,000 worth of graffiti so far. He informed his billing will show the cost, but the City will only be charged the amount agreed to.

Council Member Wentz questioned if the release form would be sent out in the newsletter.

Mayor Lemon stated information has been in the newsletter, but the release form is not being sent out.

The Police Chief informed his officers take the release form out with them.

Mr. Kwak informed he has been removing graffiti from telephone poles, garbage cans, and utility boxes as well. He stated he is looking for these items, but if he had a list with these items and street signs on it, he would take care of them.

Council Member Olson informed there is a telephone box on Pine Street that has graffiti.

Curfew Ordinance. Fred Thomson stated he works nights as a security guard and sees people wandering the streets after midnight. He questioned if the City has a curfew ordinance.

Mayor Lemon stated the City does not have a curfew ordinance.

The City Attorney informed there have been a lot of constitutional challenges to curfews and if the City is interested in having an ordinance, we would need to make sure it is done correctly.

Council Member Wentz commented the Police Department can stop and talk with people they see out.

The Police Chief encouraged citizens to call and report any kind of suspicious activity or persons in an area where they do not belong so the police can check it out.

Mayor Lemon questioned if the calls can be made anonymously.

The Police Chief stated yes.

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 – May 2008; Police Department Status Report – May 2008; Fire Department Status Report – May 2008; New Businesses Report – May/June 2008; and Treasurer’s Report – March 2008.

Communications/
Questions/Comments

Old Town Days. Council Member Butler informed Old Town Days was very nice last weekend, but more volunteers are needed. He stated three or four people did all the work.

Council Member Wentz commented that the Idol Contest was very successful and expressed appreciation to Kaylynn for the wonderful job she did organizing that part of the weekend.

Mayor Lemon stated if the committee contacts the Mayor in advance, notices can be put in the newsletter also.

Council Member Matson commented this is the City’s 125th anniversary so the celebrations should be a big deal.

Development of Agenda
for July 14, 2008

Health Insurance & Wellness. Council Member Matson commented there were a lot of council members and mayors at the Association of Washington Cities Conference last week that had well city stickers on their name badges.

Mayor Lemon informed the City has a wellness program.

Council Member Matson requested health insurance for the Mayor and Council be added to the next agenda.

Use of Lodging Tax Money for Old Town Days Labor Costs. Council Member Olson commented that the Treasurer distributed a memorandum regarding using lodging tax money to pay for staff labor costs for Old Town Days, and requested this be added to the July 14th agenda.

Mayor Lemon informed one stipulation to using the money is being able to show that motel rooms were booked for the event.

Council Member Wentz commented this does not need the recommendation of the Lodging Tax Advisory Committee and can just be considered by the Council.

Lodging Tax Advisory Committee July Meeting. Council Member Butler requested the memorandum and related labor expense breakdown be sent to the Lodging Tax Advisory Committee in their next packet.

Mayor Lemon also requested the information regarding the Gold Wing Association using Ahtanum Youth Park and the requested 50 percent match be

presented to the Lodging Tax Advisory Committee at their July meeting.
Parking Fees at Ahtanum Youth Park. Mayor Lemon requested a Resolution authorizing free parking at Ahtanum Youth Park for City related functions be placed on the July 14th consent agenda.

July 8, 2008 Meeting. Council Member Wentz questioned if the July 8, 2008 meeting regarding public transit is an actual Council meeting, and commented the minutes did not reflect it as a Council meeting.

Mayor Lemon stated it is a Council meeting and each transit company will be asked to give a 10-minute presentation.

The City Clerk informed the meeting was changed to a Council meeting after the last Council meeting, so the minutes could not be changed. She also informed an agenda for the July 8, 2008 meeting was included with this Council packet.

Adjourn to Tuesday,
July 8, 2008 for
Meeting Regarding
Transit

At 8:10 p.m., Mayor Lemon adjourned the Regular Council meeting to Tuesday, July 8, 2008 at 6:00 p.m. for an Informational Public Meeting Regarding Union Gap Public Transit System in the Activities Building at Ahtanum Youth Park, 1000 Ahtanum Road.

These minutes dated June 23, 2008 were approved at the Regular Council Meeting of July 14, 2008.

Jim Lemon, Mayor

ATTEST:

Kathryn Thompson, CMC, City Clerk