

**UNION GAP CITY COUNCIL REGULAR MEETING**  
**Council Chambers, City Hall**  
**Union Gap, Washington**  
**June 8, 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 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; William Rathbone, Development Coordinator; Bill Steele, Fire Chief; Robert Almeida, Police Chief; and Karen Clifton, City Treasurer were present.

Audience Present Fred Thomson, Aubrey Reeves, Debbie Matson, Stephanie Korn, Michael & Joshua Murr, Lewis & Donald Beddoe, Erika Lemon, Scott Steinloski, Andrea Vasquez, John Hodkinson, and others were present.

Council Member Excused Mayor Lemon informed Council Member Dave Butler is not present tonight.

Motion by Council Member Wentz, seconded by Council Member Vanover to excuse Council Member Butler from tonight's meeting. Motion carried unanimously; Council Member Butler absent.

Pledge of Allegiance Council Member Matson 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 May 26, 2009, as sent out on pages 4922 through 4927 of the Minute Book.

Approve Claim Voucher Nos. 74657 through 74692 in the amount of \$271,062.91 dated May 29, 2009 and transfer from the operating funds to the Claims Fund.

Approve Payroll Voucher Nos. 32575 through 32651 in the amount of \$154,957.55, dated May 29, 2009 and transfer from the operating funds to the Payroll Fund.

Approve Claim Voucher Nos. 74693 through 74759 in the amount of \$347,586.25 dated June 8, 2009 and transfer from the operating funds to the Claims Fund.

Set Public Hearing for the Six-Year Transportation Improvement Program for Monday, June 22, 2009 at 7:00 p.m.

Motion carried unanimously; Council Member Butler absent.

Ordinance No. 2619 – Amending 2009 Budget – Contingency Fund – Police Arbitration Expenses Motion by Council Member Wentz, seconded by Council Member Vanover to adopt and publish Ordinance No. 2619, An Ordinance amending the 2009 Budget authorizing an expenditure of \$1,468.04 from the Contingency Fund (109.511.60.41) for fees and expenses relating to the Police Department arbitration hearing. Motion carried unanimously; Council Member Butler absent.

Ordinance No. 2620 – Creating Seasonal Part-Time Youth Activities/Council Coordinator Position Mayor Lemon explained this ordinance creates the position of Youth Activities/Youth Council Coordinator with the Parks Department for a trial six (6) month period.

Council Member Vanover asked for clarification of a seasonal position.

Mayor Lemon explained that it is the same as seasonal workers. They are restricted to a certain number of hours in a year. The Public Works union contract allows for seasonal workers whereas the other union contracts do not.

Council Member Wentz informed the City received a letter from Washington Cities Insurance Authority (WCIA) stating the City is required to have an employee on duty to supervise the Youth Center.

Council Member Matson inquired whether the supervision of the Youth Center could be done on a volunteer basis to begin with. He questioned whether the Youth Council is ready for a paid supervisor to come in and create something, or would they prefer to create something themselves.

Mayor Lemon explained the Youth Council would create a schedule of hours of operation, and the Youth Council Coordinator's work would be based on that schedule. Mayor Lemon stated this issue is being brought before the Council to determine if a part-time employee should be hired or not.

Council Member Olson stated he would like to see the Youth Center open, but feels hiring a part-time Youth Center Coordinator is premature.

Council Member Matson questioned whether this could be done under a volunteer basis until a need has been proven.

Council Member Wentz stated that getting a volunteer to work consistently five days a week would be very difficult.

Donald Beddoe, Youth Council President, stated the Youth Council does not want a Youth Center Supervisor at this time, or this year. He feels this has been pushed upon the Youth Council and they feel it should be left up to them to decide whether they need a supervisor or not.

Mayor Lemon stated this was brought up in order to provide supervision for the Youth Center. He referred to the letter from WCIA stating the Youth Center needs a supervisor in place.

Motion by Council Member Wentz, seconded by Council Member Murr to table Ordinance No. 2620 creating a seasonal part-time Youth Activities/Youth Council Coordinator until next year.

Mayor Lemon stated this issue will be tabled indefinitely.

The motion to table Ordinance No. 2620 creating a seasonal part-time Youth Activities/Youth Council Coordinator until next year failed due to lack of a vote being taken.

Discussion Regarding  
Planning Commission/  
Regional Planning  
Commission

Motion by Council Member Wentz, seconded by Council Member Olson to authorize the City Attorney to finalize and mail the draft letter to Commissioner Leita regarding Union Gap's participation in the Regional Planning Commission. Motion carried unanimously; Council Member Butler absent.

The City Attorney reviewed the Four-Party Agreement and noted that it specifically states the City will retain its own Planning Commission to make recommendations on land use matters within the city limits. The agreement states that the city can have both the local and regional planning commission, unlike Yakima City and Yakima County who cannot hold both local and regional commissions.

Council Member Wentz questioned if we are in compliance with the agreement and if legal action is necessary.

The City Attorney stated that we are in compliance and that we do not need to take legal action at this time, apart from sending the letter he prepared for Commissioner Leita.

The Development Coordinator agreed that the City is not out of compliance with the agreement. He believes that some of the Yakima City Council Members and

County Commissioners are interested in rewriting the agreement to require that Union Gap either opt in to the Regional Planning Commission or opt out.

Council Member Olson commented having a local Planning Commission and a Regional Planning Commission has been working all of this time and should be left the way it is.

Council Member Wentz questioned whether the City is required to have a representative on the Joint Board and if so, is there are representative on board at this time.

The Development Coordinator explained that the Joint Board and the Regional Planning Commission are two different entities. The Joint Board is no longer active and the Regional Planning Commission local representative is John Hodkinson.

Council Member Matson stated the local Planning Commission needs to stay the way it is and the city needs to communicate with Yakima City and Yakima County.

John Hodkinson stated the original agreement was created to put Yakima County, Yakima City, and the City of Union Gap on the regional sewer plan, prior to the Growth Management Act. The board was set up as a watchdog over the sewer plant to make sure that no one overstepped their boundaries, getting more sewer than was allocated. If the City of Union Gap disregards or nullifies this agreement, they will lose this watchdog ability. The ability to communicate with Yakima City and Yakima County enable Union Gap to keep on top of what is happening and why.

Mayor Lemon stated the letter being sent to Mike Leita says that Union Gap disagrees with his interpretation of the agreement and will opt into the Regional Planning Commission, while continuing to maintain a local Planning Commission. Mayor Lemon thanked Mr. Hodkinson for his continued service as Union Gap's representative on the Regional Planning Commission.

Motion by Council Member Wentz, seconded by Council Member Olson to authorize acceptance of the lowest acceptable quote from Four Seasons Heating & Air Conditioning, LLC in the amount of \$16,120.00 plus tax; and authorizing the expenditure from the Contingency Fund. Motion carried unanimously; Council Member Butler absent.

Emergency Medical Technician (EMT) Program. Fred Thomson requested a comparison of the City's EMT Program to the City of Yakima's program.

The Fire Chief explained that the Union Gap Fire Department does not have an EMT Program, and there are no immediate plans to begin one unless he is directed by the Mayor and Council to do so. The City has a good relationship with the two local ambulance companies and he is very satisfied with the effective and efficient service they provide within the City.

There were no additions to the June 22, 2009 Council meeting draft agenda.

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 – May 2009; Tourism Promoter Status Report – May 2009; and Treasurer's Report – April 2009.

He called on department heads to give reports.

Award Bid/Expenditure  
Request – City Hall  
Furnace and Air  
Conditioning  
Replacement

Items from the  
Audience

Development of Next  
Agenda

Departmental Reports

Police. The Police Chief presented an update on the K-9 program, giving statistics on the number of deployments and findings that the K-9 Unit has had. He provided the Mayor and Council with K-9 training cards that show donations made by the community. These cards are to help get the information about the K-9 unit out to the community.

Mayor Lemon stated the K-9 Program information will be included in the next city newsletter.

Public Works. The Public Works Director informed the paving of Valley Mall Blvd. is scheduled to begin on June 22, 2009. A ribbon cutting ceremony is scheduled to be held on July 15<sup>th</sup>. A Community Development Block Grant non-match grant in the amount of \$560,000, which utilizes stimulus money, was submitted for water and sewer improvements for Valley Mall Blvd. Phase IV.

Council Member Vanover inquired about the schedule for the work on Rudkin Road.

The Public Works Director stated the work should begin between July and the end of August.

Mayor Lemon inquired if the City has gone out to bid on the signalized crosswalk.

The Public Works Director informed the city has gone out to advertisement for a consultant. Once a Consultant Review Committee is selected, we can continue with the bidding process.

Council Member Wentz inquired whether the City is going to pave Rudkin Road to where the existing asphalt is or all the way to the curb.

The Public Works Director explained the paving will be to the existing asphalt; to go all the way to the curb would be very costly and the city would not be able to afford the project.

Fire. The Fire Chief stated the Fire Department is working closely with the Union Gap School building project and the State Fire Marshall has the primary jurisdiction which includes project inspections. The Fire Chief is on duty to assist them whenever necessary. The project is currently behind schedule with construction and the internal piping for the sprinkler system and fire alarms. The Development Coordinator is working on plans to get them temporary or partial occupancy once the sprinkler system and fire system are up and running. They are doing a good job and have an excellent superintendent over the project.

The Fire Chief discussed the recent fire at Valley Septic. There were several fire jurisdictions involved, consisting of approximately forty fire fighters from around the valley, including Union Gap fire fighters. This was a good example of the mutual aid program at work; it worked effectively and efficiently. There was some damage to city property at the Ahtanum Youth Park. There were no serious injuries, but one Union Gap fire fighter went to the hospital with heat exhaustion.

Mayor Lemon informed the City will possibly be hiring two new fire fighters. He asked the Fire Chief to explain the importance of these positions in order to obtain agreements for automatic aid and how crucial mutual and automatic aid are to the City.

The Fire Chief explained when there are large events like the Valley Septic fire, there are often other events occurring simultaneously. Mutual aid enables the

City to handle all calls within the City, regardless of how large they may be. Unlike mutual aid, where other departments wait to here from the Fire Chief before arriving at the scene, automatic aid responds immediately to the call. The Fire Chief is currently working on an agreement for automatic aid.

Mayor Lemon stated two new fire fighters are required in order to be eligible for automatic aid.

The Fire Chief stated the two temporary fire fighters on staff now will need to become permanent in order to be eligible for automatic aid. He said the overtime is lower than it has been in the past and these two fire fighters will help, but they will not completely eliminate overtime.

Council Member Wentz inquired when the newly hired volunteers will be out of school and working at the Fire Department.

The Fire Chief stated they should be out of school and on shift by the first week of August.

City Treasurer. The City Treasurer informed sales tax revenues on the April Treasurer's report were down .51 percent. The property taxes for April were higher and seemed to be coming in more quickly than the previous year. She explained that she has been working on Valley Mall Blvd. reimbursements and the City should be receiving \$1.9 million in reimbursements over the next several months.

Council Member Wentz inquired how far below our projections we are in sales tax revenues.

The City Treasurer explained that we are not quite 7 percent below last year's revenue.

Mayor Lemon explained that this year's sales tax projections are the same as last year. He noted last year's projections were not met either.

Council Member Wentz inquired how short the sales tax revenues will be by the end of the year.

The City Treasurer explained it is hard to determine at this time because the revenues are fluctuating from month-to-month.

Council Member Wentz inquired when we will know more so Council will be able to determine when to start making cuts.

Mayor Lemon stated he has put a Budget Committee in place to deal with these issues. He explained the finances of the City have been a problem for several years. Prior to his term, large amounts of money were being transferred out of the water and sewer funds to the current expense fund. Since we are no longer doing this, there is a large amount of money that we no longer have in the current expense fund.

Mayor Lemon explained contract negotiations will begin soon and the City cannot afford to hire an attorney to handle the negotiations. Therefore, he will be handling the negotiations himself and invites a couple of Council Members to join him in doing this. If no Council Members wish to join him, he will be conducting negotiations on his own this year.

Building/Planning. The Development Coordinator informed he is concluding an environmental review for Valley Mall Blvd. IV. He is also starting the advertising process for the Shoreline Master Program permit for the Washington

State Department of Transportation Valley Mall Blvd. Interchange project.

The Development Coordinator informed he will have the Comp Plan completed by next week. He stated the Housing Rehabilitation Program is nearly complete and should be closed by the end of July.

Mayor Lemon inquired about the status of the unfinished building at the Ahtanum Ridge Business Park.

The Development Coordinator informed no more work will be done by the current contractor. The Homeland Security Department has terminated their contract and will no longer be involved with the building project. He said no one is planning to move into the building at this time.

The Development Coordinator informed building development in Union Gap has slowed since last year. He said the major building activity in town is the new Union Gap School project which is a good quality building and they are doing a very good job.

Tourism. The Tourism Promoter informed he has been working with the Parks Department to arrange tours of the Ahtanum Youth Park for prospective clients. He presented the Union Gap advertisement in the Portland Magazine.

Mayor Lemon inquired if the Tourism Promoter has been working with the City Attorney regarding tourism expenditures. He stated the line between employee and contractor needs to be very clear. The Tourism Promoter should be treated as a contractor, not an employee.

The Tourism Promoter explained he met with the City Attorney today and the only expenditures he will submit to the City are ones that are included on the budget that was approved by the Council. He understands that anything beyond that needs to come before the Council for authorization.

Mayor Lemon informed expenditures outside of the authorized budget first need to go through the Lodging Tax Committee and then brought to the Council for approval; this process always needs to be followed. He explained the State Auditor will be looking at Lodging Tax expenditures this year and we need to make sure we are handling them correctly.

There were no communications/questions/comments from the Council.

Communications/  
Questions/Comments

Adjourn to 30-Minute  
Executive Session

At 8:15 p.m. Mayor Lemon adjourned the Regular Council meeting to a 30-minute Executive Session to discuss potential litigation. The Mayor, Council Members (Council Member Vanover absent 8:09), City Attorney, and Public Works Director attended the Executive Session.

*These minutes dated June 8, 2009 were approved at the Regular Council Meeting of June 22, 2009.*

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Jim Lemon, Mayor

ATTEST:

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Kathryn Thompson, CMC, City Clerk