

**UNION GAP CITY COUNCIL REGULAR MEETING**  
**Council Chambers, City Hall**  
**Union Gap, Washington**  
**March 22, 2010**

- 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, Roger Wentz, Dave Matson, James Murr and Chad Lenz were present.
- Staff Present Dennis Henne, Public Works Director; Mark Reynolds, Development Coordinator; Bill Steele, Fire Chief; Robert Almeida, Police Chief; Ryan Croffut, Fire Captain; and Kathryn Thompson, City Clerk were present.
- Audience Present Aubrey Reeves, Stephanie & Michael Murr, Debbie Matson, Ray Kempf, Ron Davis, Charles Rinker, Bonnie Mayer, John & Ruth Hayward, Don Thaxton, Mark Carney, Stephanie Ray, James Carmody, Bill Hordan, Mike Moore, Scott Anglin, Stacy Ray, Frank Glaspey, Julie Schilling, and others were present.
- Pledge of Allegiance John Hayward led the Pledge of Allegiance.
- Addition to Agenda – State & Tribal Assistance Grants (STAG) Funding Motion by Council Member Wentz, seconded by Council Member Murr to add State & Tribal Assistance Grants (STAG) funding to the Council meeting agenda. Motion carried unanimously.
- Special Award Presentations Mayor Lemon presented a certificate for 10 years of service to the City to Ryan Croffut, Fire Captain; and presented a certificate to the Police Chief for Officer Hector Rivera for 10 years of service to the City.
- Consent Agenda Council Member Olson requested Ordinance No. 2667 and Bridge Replacement Advisory Committee Grant Application be pulled from the consent agenda to be discussed separately.
- Motion by Council Member Wentz, seconded by Council Member Matson to approve the consent agenda, as amended, as follows:
- Approve the Regular Council Meeting Minutes, dated March 8, 2010, as sent out on pages 5036 through 5038 of the Minute Book.
- Approve Claim Voucher Nos. 76774 through 76845, in the amount of \$179,583.19 dated March 22, 2010 and transfer from the operating funds to the Claims Fund.
- Adopt and publish Ordinance No. 2663, An Ordinance amending the 2010 Budget authorizing budget transfers of \$15,012 from the Police Department Current Expense Fund (001.521), and \$10,017 from the Municipal Court Current Expense Fund (001.512) to be divided evenly between the Building Current Expense Fund (001.524) and the Planning Current Expense Fund (001.558) to pay for expenses for the Part-Time Code Enforcement Officer.
- Adopt and publish Ordinance No. 2664, An Ordinance amending Chapter 2.84 of the Union Gap Municipal Code relating to part-time Code Enforcement Officer.
- Adopt and publish Ordinance No. 2666, An Ordinance amending the 2010 Budget creating fund number 304 – Valley Mall Blvd. Phase IV, and transferring all revenues and expenditures from related funds to this new fund.
- Adopt and publish Ordinance No. 2670, An Ordinance amending Union Gap Municipal Code Chapter 5.40 “Garbage and Rubbish” by adding a new section 5.40.112, “Annual Rate Increase” and repealing section 12.04.112.

Adopt Resolution No. 861, A Resolution authorizing the Mayor to sign an Office Clerical Collective Bargaining Agreement by and between City of Union Gap, Washington and Teamsters Local No. 760.

Motion carried unanimously; Council Member Vanover absent.

Excuse Council  
Member Vanover

Motion by Council Member Wentz, seconded by Council Member Olson to excuse Council Member Vanover from tonight's meeting due to his work schedule. Motion carried unanimously; Council Member Vanover absent.

Resolution No. 862 –  
State & Tribal  
Assistance Grants  
(STAG)

Council Member Wentz reported while in Washington D.C. last week, they had a long conversation with Senator Cantwell making a strong press for grants for water and sewer in the South Broadway area. The State & Tribal Assistance Grant (STAG) is available for a 45 percent City match.

The Public Works Director stated he spoke with Matthew Sosa in Senator Cantwell's office, and Senator Cantwell is very interested in helping us obtain the maximum grant of one million dollars. He informed we would complete the project in phases, and we will need approximately 6 million dollars for both phases. He informed if the City receives a one million dollar grant, the City match will be \$800,000. The \$800,000 will be available in the water/sewer reserve fund by the end of this year, but we will also have about another year to look for other funding. He stated Senator Cantwell's office needs to know the City's intentions by tomorrow morning.

Motion by Council Member Olson, seconded by Council Member Wentz to instruct staff to draft Resolution No. 862 obligating up to \$850,000 from the water/sewer reserve fund as the City's match for a State & Tribal Assistance Grant. Motion carried unanimously; Council Member Vanover absent.

Ordinance No. 2667 –  
Amending 2009 Budget  
– Authorizing Interfund  
Loan

Mayor Lemon informed the garbage fund is short about \$20,000 due to landfill increases. Tonight the Council passed an ordinance increasing the garbage fees to cover the landfill increases. This ordinance authorizes an interfund loan of up to \$100,000 to cover the shortfall.

Council Member Olson questioned if there is somewhere else to take the money from.

Mayor Lemon informed this is a loan and questioned if Council Member Olson has another fund he would like to use.

Council Member Olson stated he has not had time to look for another fund and the Council does not have the fund balances; but the City has been working that fund hard.

Mayor Lemon stated this money is not being taken from the fund, it will be repaid.

Motion by Council Member Wentz, seconded by Council Member Murr to adopt and publish Ordinance No. 2667, An Ordinance amending the 2009 Budget authorizing an interfund loan of up to \$100,000 from the Infrastructure Reserve Fund (124) to the Garbage Fund (402). Motion carried unanimously; Council Member Vanover absent.

Bridge Replacement  
Advisory Committee  
(BRAC) Grant  
Application – S. 12<sup>th</sup>  
Avenue Bridge

Council Member Olson commented the City needs that bridge money, but questioned the 20 percent match.

Mayor Lemon informed the expenditure will not be until 2012 and the

infrastructure reserve fund is not receiving sales tax revenue this year only, so by 2012 there will be money for this expenditure.

The Public Works Director reported BRAC selects bridges in the state based on the bridge inspections. In 2009 Yakima County reported this bridge had six stringers out of fourteen rotted out. He informed we will have to replace this bridge in the future and this is a good opportunity to apply for a grant for 80 percent of the replacement cost. He stated \$100,000 can be obligated now from the infrastructure reserve fund and by 2011 there should be \$300 – 400,000 in new revenues in the fund. This construction will not be until late 2011 or 2012.

Council Member Butler questioned if this is the only bridge needing replacement.

The Public Works Director stated no, there are other bridges also.

Council Member Olson commented he is tired of everything coming out of the infrastructure reserve fund.

Council Member Wentz pointed out this is an infrastructure expense so the infrastructure reserve fund is the appropriate fund to use.

Motion by Council Member Olson, seconded by Council Member Murr to authorize the Mayor and staff to submit a Bridge Replacement Advisory Committee (BRAC) Grant Application, including a 20% City match to provide for bridge repair/replacement on South 12<sup>th</sup> Avenue. Motion carried unanimously; Council Member Vanover absent.

Public Hearing – Six-Year Transportation Improvement Program

Mayor Lemon announced this is a public hearing to consider oral and written comments for the proposed Six-Year Transportation Improvement Program (TIP).

At 7:25 a.m. Mayor Lemon opened the public hearing.

The Public Works Director explained the 6-year TIP is an outline of six years of road projects. He informed typically this plan is amended each June and we will be amending the TIP again in June of this year. He stated this amendment is necessary so we will be ready to apply for funding if the Senate passes the jobs bill. The project the City will be applying for is South 18<sup>th</sup> Street.

Council Member Olson questioned if the classification of the South Union Gap Beltway on page 3 of the TIP should be changed.

The Public Works Director informed that project is currently going to Yakima Valley Conference of Governments and then to the Department of Transportation.

Council Member Olson requested bridge and culvert replacement be added to Ahtanum Road Reconstruction Phase 2 on page 4 of the TIP.

The Public Works Director stated he will try to add the bridge and culvert replacement now, but it may have to be added during the June amendments.

There was no one present wishing to speak to this item and no written comments were received.

At 7:29 p.m. Mayor Lemon closed the public hearing.

Resolution No. 854 – Adopting Six-Year Transportation

Motion by Council Member Olson, seconded by Council Member Wentz to adopt Resolution No. 854, with the above amendments, A Resolution providing

Improvement Program

for an amended Six-Year Transportation Improvement Program (Comprehensive Street Program) for the City of Union Gap. Motion carried unanimously; Council Member Vanover absent.

Public Hearing – Six-Year Transit Plan

Mayor Lemon announced this is a public hearing to consider oral and written comments for the proposed Six-Year Transit Plan.

At 7:30 p.m. Mayor Lemon opened the public hearing.

Ron Davis, T.C. Transportation, informed he distributed the 6-year plan to the Council and made the plan available to the public at the March 8<sup>th</sup> Council meeting. He asked if the Council had any questions, and informed we will be the only jurisdiction turning our plan in to the state on time this year.

Mayor Lemon commented Mr. Davis did a good job with the plan.

Council Member Wentz questioned if people are utilizing the new bus stops.

Mr. Davis stated they have been picking a few people up at Leisure Hills and they expect the Fullbright Park bus stop to be utilized when the weather gets warmer.

Council Member Butler questioned the plan to purchase an additional bus.

Mr. Davis informed they have two buses for our route now, but it is recommended they have a spare vehicle so they are purchasing another bus for a spare.

There was no one present wishing to speak and no written comments were received.

Resolution No. 855 – Adopting Six-Year Transit Plan

At 7:33 p.m. Mayor Lemon closed the public hearing.

Motion by Council Member Olson, seconded by Council Member Wentz to adopt Resolution No. 855, A Resolution adopting a Six (6) Year Transit Plan. Motion carried unanimously; Council Member Vanover absent.

Public Hearing – United Builders/Kimco, LLC Petition for Annexation

Mayor Lemon announced this is a public hearing to consider oral and written comments regarding the United Builders/Kimco, LLC Petition for Annexation.

At 7:34 p.m. Mayor Lemon opened the public hearing.

The Development Coordinator informed in June 2008 the City signed a development agreement to annex this property. Between June 2008 and January/February 2010 the applicants presented a petition signed by 62 percent of the assessed valuation of the area. He informed the proposed property was posted, this hearing was advertised, and notices were sent out as required.

Ruth Hayward, 3204 Fetzer Lane, informed she could not understand the boundary of the area from the map that was provided. She also informed their lane is a dead end serving only a few residents; United Builders has been using the lane; and they do not want United Builders using it. She also informed she has lived on her property for 42 years and even though she has not flooded, the property proposed for annexation floods very badly. She stated the neighbors on Emma Lane have had water running through their homes. She questioned what will happen when this property is developed, and questioned where the dividing line for the annexation is.

The Development Coordinator displayed a larger map of the area and explained the dividing line is west of where 32<sup>nd</sup> Avenue would be.

Ms Hayward informed she wants to prevent her lane from being used for this development because the lane is a dead-end servicing only 3 homes. She stated she would rather not have the development and she feels sorry for the people that will move there because they are going to flood.

Charles Rinker, 1610 Ahtanum, questioned where the utilities will be constructed and what the zoning of the property is.

The Development Coordinator informed this property is part of the Urban Growth Boundary and Comprehensive Plan and is currently proposed to be zoned R-2 single family homes. He informed if people choose to apply for rezone they would have to have a public hearing. He then informed the final location of utilities will be based on cost; one option could be Ahtanum Road, but another option could be the interior of the lots.

Mr. Rinker questioned what rights they will have to relinquish as property owners once they are part of the City.

The Public Works Director informed originally they looked at putting utilities on the south side of the lots fronting Ahtanum Road, but that was not favorable to the property owner, so they are now looking at the north edge of the lots. He informed the City will not condemn any property to put in utility lines.

Frank Glaspey, General Manager of Glaspey Ahtanum LLC, informed he has been in this area for 60 years. He informed he sent a letter to the Development Coordinator with a copy to the Mayor.

Mayor Lemon informed Mr. Glaspey's letter was distributed to the City Council.

Mr. Glaspey informed he has developed a number of subdivisions and the City Council should give deep thought to the ramifications to the City of making a bedroom development that will not benefit the City. He commented there is no comparison between an industrial development and a residential development. A residential development will add population, but will also mean additional services for police, fire, public works, etc. He also informed it is not good planning to have an 80-acre parcel controlled by Yakima County surrounded by Union Gap. He stated he has no idea of the value of those properties but the City will not receive revenue from them if they are not annexed. Some time ago the property owners from the railroad tracks to 16<sup>th</sup> Avenue went together and paid for a Local Improvement District (LID) for sewer. He questioned if those lines will be used to the detriment of the people that put the lines in and paid for them. He stated there is also a water line that the people put in partially with a grant. He informed recently Kwik Lok extended water and sewer from Union Gap to their property and questioned if they signed an Outside Utility Agreement requiring them to annex to the City. He also informed, as Ms Hayward told the Council, flooding is an issue with this property; the homes on the west side of 16<sup>th</sup> Avenue have flooded. He informed with the amount of paving, roofs, etc. the property will not have the penetration the pasture does. He also questioned if water service will be City of Yakima or Nob Hill Water.

The Public Works Director informed water service will be Union Gap.

Mr. Glaspey questioned if the existing sewer lines the people paid for will be used and if they are used, what happens if the capacity is used up. He informed several years ago he asked Paul Burlingame, City Manager, that question and he said the people that installed the lines would not be charged again. He also commented the bridge in the vicinity of 38<sup>th</sup> Avenue and Ahtanum Road overflows because of obstructions in the stream. The overflow sends water east on Ahtanum Road flooding the area south of Ahtanum Road.

The Public Works Director stated the development agreement is in phases

stating that the first 100 units built can use the existing sewer line making payment into a fund that will be used to upsize the lines when additional units are built. He stated the City may have some costs, but the City will not charge existing property owners. He also informed the City's water service area goes out to 32<sup>nd</sup> Avenue and the sewer service area goes out to 42<sup>nd</sup> Avenue. He informed Kwik Lok is in the City's water/sewer boundaries and they are paying 150 percent for the water/sewer bills. He informed prior City Council's never wanted Outside Utility Agreements, so there is no requirement for Kwik Lok to annex.

Council Member Wentz questioned if there will be potential planning issues with Kwik Lok not being included in the annexation.

The Development Coordinator informed he can only address the facts; Kwik Lok is against annexation and there is nothing the City can do about that within the current definition of the annexation proposal.

Mr. Glaspey commented the City Council can say the complete area has to be included and not approve the annexation without Kwik Lok. He stated the City Council would be foolish not to exercise their authority, from an economic standpoint, and informed West Valley is a prime example of islands being created. He also explained what size lines are in Glaspey Lane and Industrial Way and stated there is very little room for another line.

The Public Works Director stated the City will most likely replace existing lines with larger lines.

Mr. Glaspey informed the City will have to tear out about 500 feet of roadway and suggested the City explore alternatives.

Don Thaxton, 2701 S. 16<sup>th</sup> Avenue, informed he lives across the street from Kwik Lok. He stated he had to dig a trench about 400 feet and spend about \$3,000 in order to connect to water and questioned if he will be able to connect to sewer.

The Public Works Director informed the City has looked at different alternatives and is trying to find ways to get everyone in the area connected to water and sewer.

Resolution No. 857 –  
Authorizing Submittal  
of Notice of Intent to  
Annex to Yakima  
County Boundary  
Review Board

At 8:22 p.m. Mayor Lemon closed the public hearing.

Mayor Lemon questioned how the Council wishes to proceed.

Council Member Olson suggested thinking about this issue and moving on the next public hearing.

Mayor Lemon informed this is a resolution to send this annexation request to the Boundary Review Board (BRB); this is not the ordinance approving the annexation.

Council Member Matson commented this request has been in the works for a long time.

Council Member Wentz commented that leaving Kwik Lok out of the annexation is troublesome.

After discussion, motion by Council Member Matson, seconded by Council Member Wentz to adopt Resolution No. 857, A Resolution accepting and approving annexation conditioned upon Boundary Review Board approval and directing that the intent to annex and petition be sent to the Boundary Review

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

Council Member Lenz commented he would like more time to think about this annexation also.

Mayor Lemon commented the Council can still vote this down, this resolution just sends the annexation to the Boundary Review Board.

The Development Coordinator explained after this is filed with the BRB, the board has 45 days to make a determination and may conduct a public hearing if they choose. If the BRB agrees with the annexation, it will come back to the City Council for adoption by ordinance.

Public Hearing – Clary  
Union Gap, LLC  
Development  
Agreement

Mayor Lemon announced this is a public hearing to consider oral and written comments regarding Clary Union Gap LLC's Development Agreement.

At 8:26 p.m. Mayor Lemon opened the public hearing.

The Development Coordinator informed the Council previously approved a short plat application and development agreement, and now a variance to the short plat has been filed. The Hearing Examiner conducted a public hearing on the variance to defer the cost of road improvements and agreed the road could be done as the properties develop.

James Carmody, Attorney, informed he has worked with the Clary's for approximately 3 years now. He stated this is the next step in the process; the Clary's are dedicating 60 feet of right-of-way and this variance allows the road to be developed in phases. He informed he has worked with City Attorney Bob Noe on the agreement language.

Council Member Matson questioned why they wish to build the road in phases.

Mr. Carmody informed it is logical to build the road when needed so the road can be built to accommodate the future use of the lots. He also stated the road will be built to the City's standards, and will be built by the private individuals.

Council Member Wentz questioned if the road would be built to today's standards or new standards if the standards change.

Mr. Carmody informed the road would be built to today's standards.

The Public Works Director informed the road design is satisfactory and 60 feet of right-of-way will accommodate emergency vehicles, etc.

Resolution No. 856 –  
Authorizing  
Development  
Agreement with Clary  
Union Gap, LLC

At 8:35 p.m. Mayor Lemon closed the public hearing.

Motion by Council Member Wentz, seconded by Council Member Butler to adopt Resolution No. 856, A Resolution authorizing the Mayor to sign a Development Agreement with Clary Union Gap, LLC and James E. Clary and Terri L. Clary (Property Owners) as required as a condition for subdivision variance approval issued by the City's Hearing Examiner. Motion carried unanimously; Council Member Vanover absent.

Ordinance No. 2668 –  
Amending 3.2 of City's  
Personnel Policies  
Handbook

Mayor Lemon informed this ordinance and Ordinance No. 2669 are from him. This ordinance requires that prior to enhancing departments or hiring staff; the Mayor lets the City Treasurer and City Council know so that it doesn't create a future budget problem. He informed the Police Department personnel were enhanced by four new positions without Council authorization so he thinks it is

important the Council knows what is being enhanced so it doesn't result in other staff being laid off as a consequence.

Council Member Wentz stated he likes the second part that states there will be written confirmation that there is sufficient funding within the City's budget to pay for the position.

Motion by Council Member Wentz, seconded by Council Member Murr to adopt and publish Ordinance No. 2668, An Ordinance of the City of Union Gap amending the City's Personnel Policies Handbook regarding hiring. Motion carried unanimously; Council Member Vanover absent.

Ordinance No. 2669 –  
Documents Affecting  
Collective Bargaining  
Agreements Require  
Approval of Council

Mayor Lemon informed prior to 2008 Memorandums of Understanding (MOU) were entered into by the former Mayor, with the union, without City Council authorization; this ordinance requires the Mayor to have the City Council's authorization to amend a contract, or the MOU will be null and void.

Motion by Council Member Wentz, seconded by Council Member Matson to adopt and publish Ordinance No. 2669, An Ordinance providing that memoranda of understanding, addenda, or amendments, affecting collective bargaining agreements cannot be made absent City Council approval. Motion carried unanimously; Council Member Vanover absent.

Items from the  
Audience

There was no one present wishing to speak.

Develop Agenda for  
April 12, 2010 Council  
Meeting

Mayor Lemon informed purchase of new software will be on the next agenda.

The City Clerk reported the staff recommendation is to purchase BIAS financial software.

Council Member Lenz reported he was the only Council Member able to be at all presentations and he agrees with the staff recommendation.

Mayor Lemon commented Vision software was nice, but they are not fully developed yet. He also reported the expenditure will come from the Building Equipment Reserve Fund.

Council Member Wentz commented this will help with the Treasurer's Report and the preparation of the budget.

Mayor Lemon stated it will also be less burdensome for the City Treasurer and the other clerks because the current software requires multiple steps just to receive a utility payment.

Departmental Reports

Mayor Lemon informed the following reports are in the packet and questioned if the Council has any questions of the departments: Police Department Status Report – February 2010; New Businesses Report – February/March 2010; Fire Department Status Report – February 2010; and Treasurer's Report – November 2009.

Communications/  
Questions/Comments

Washington D.C. Council Member Wentz reported they also had a positive meeting in Washington D.C. with Senator Murray. They were unable to meet with Congressman Hastings because he was ill. He also commented several of the Republican representatives, including Hastings, are not earmarking for next year so our transportation requests are stalled.

Mayor Lemon thanked Council Members Olson and Wentz and the Development Coordinator for doing a good job representing the City in

Washington D.C.

Council Member Olson added the transportation projects are high priority but they have been held up by a re-authorization bill that has been held up for about 14 months. He stated it would be nice to have an earmark but the money we are asking for is actually through the re-authorization bill and they do not know where they are going to get the money.

Adjournment

At 8:44 p.m., Mayor Lemon adjourned the Regular Council meeting.

*These minutes dated March 22, 2010 were approved at the Regular Council Meeting of April 12, 2010.*

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Jim Lemon, Mayor

ATTEST:

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Kathryn Thompson, CMC, City Clerk