

**UNION GAP CITY COUNCIL REGULAR MEETING**  
**Council Chambers, City Hall**  
**Union Gap, Washington**  
**March 24, 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, Dan Vanover, Roger Wentz, Dave Matson, and James Murr were present.
- Staff Present Robert Noe, City Attorney; Dennis Henne, Public Works Director; Robert Almeida, Police Chief; William Rathbone, Development Coordinator; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Evonne Goeken, Isabelle Melville, Aubrey Reeves, Debbie Matson, Michael & Joshua Murr, Stephanie Korn, Ray Kempf, John Hodgkinson, Nathan Kwak, Lorene Blakely, Bill Hordon, Frank Glaspey, Phil Salzman, Tony Reise, Mary Ann Lockhart, Erin Snelgrove, 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 March 10, 2008, as sent out on pages 4770 through 4772 of the Minute Book.
- Approve Claim Voucher Nos. 71319 through 71423 in the amount of \$165,937.25 dated March 24, 2008 and transfer from the operating funds to the Claims Fund.
- Motion carried unanimously.
- Ordinance No. 2553 – Adopting Amended Future Land Use Map The Development Coordinator explained this ordinance adopts an amended future land use map and commentary, as recommended by the Planning Commission, and approved at the previous Council meeting. He also informed he plans to have a Planning Commission hearing on the revised Comprehensive Plan in April.
- Motion by Council Member Wentz, seconded by Council Member Olson to adopt and publish Ordinance No. 2553, An Ordinance adopting an amended future land use map and commentary of the Union Gap Comprehensive Plan as recommended by the Union Gap Planning Commission. Motion carried unanimously.
- Ordinance No. 2554 – Establishing a Six Month Moratorium on Filing Certain Types of Development Permit Applications Motion by Council Member Wentz, seconded by Council Member Olson to adopt and publish Ordinance No. 2554, An Ordinance establishing a six month moratorium on the filing of development permit applications for correction facilities or for the change or expansion of existing correction facilities; providing findings of fact; declaring an emergency; requiring a work program; requiring a public hearing; providing for a hardship exception; establishing an effective date; and providing for severability. Motion carried unanimously.
- Award of Bid - Valley Mall Boulevard Phase III Construction The Public Works Director informed this item was discussed and tabled at the last Council meeting. He stated the Transportation Improvement Board (TIB) has administratively approved an increase of \$309,000 and the Bridge Replacement Commission has approved an increase of \$373,500. In addition to those contributions, the City submitted an application to Supporting Investments in Economic Diversification (SIED) for \$1 million. The SIED application goes before the Board on March 27, 2008. He also stated there is an e-mail from Jack McLaughlin of D.A. Davidson & Company stating the City will have no

problem issuing \$1.7 million in bonds for completion of the project, if necessary. Motion by Council Member Olson, seconded by Council Member Vanover to accept the most qualified, lowest responsible bidder, Granite Northwest, as follows: Schedule A \$6,735,224.14; Schedule B \$1,376,302.11; Schedule C \$1,411,592.04 for a total of \$9,523,118.29 for the Valley Mall Boulevard Phase III Project – contingent on authorization from Transportation Improvement Board (TIB). Motion carried unanimously.

Resolution No. 708 –  
Yakima County SIED  
Application – Valley  
Mall Blvd. Phase III

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 708, A Resolution authorizing the Mayor and directing the Mayor to submit an Application for Funding to the Yakima County SIED Board for the purpose of funding the shortfalls on the Valley Mall Boulevard Phase III Project. Motion carried unanimously.

Award of Bid –  
Longfibre Road Phase  
II Street Improvement  
Project

Motion by Council Member Wentz, seconded by Council Member Vanover to table this item to the April 14<sup>th</sup> Council meeting. Motion carried unanimously.

Lodging Tax Advisory  
Committee  
Recommendation –  
Utilize Hotel/Motel  
Monies to Pay Ag  
Museum Capital  
Improvement Costs

Mayor Lemon informed the City Attorney and City Treasurer have looked into the issue of using hotel/motel money to pay for utilities and maintenance at the Ag Museum and this is an allowable expense. He stated the recommendation from the Lodging Tax Advisory Committee is to pay for capital improvement costs only, but it is up to the Council.

The Public Works Director stated the Ag Museum requested hotel/motel money be used to pay their utilities and maintenance. He stated a breakdown of the expenses is included in the packet, as follows: utilities & irrigation for museum complex only \$13,416; labor for grounds maintenance \$5,076; pesticide application \$1,230; fuel \$500. He explained the total operating costs for 2008, including the capital improvements requested by the museum, are \$31,272. Currently this money comes out of the General Fund under the Parks Department.

Council Member Wentz questioned how much unallocated hotel/motel money comes in each year.

The City Treasurer stated approximately \$130,000 comes in each year and \$37,000 is for SunDome bonds. She informed there is approximately \$380,000 in the Convention Center Reserve Fund, which is the hotel/motel tax fund.

Council Member Butler informed the Lodging Tax Advisory Committee reviewed all of the information and they recommended the City pay the utilities and maintenance and hotel/motel money pay for the \$7,000 of requested capital improvements.

After discussion, motion by Council Member Olson, seconded by Council Member Wentz to approve the expenditure of up to \$15,000 from the Convention Center Reserve Fund for operating costs and capital improvements for the Ag Museum. Motion carried unanimously.

Resolution No. 709 –  
Lodging Tax Advisory  
Committee Recom. to  
Hire a Tourism  
Promoter as an  
Independent Contractor

Mayor Lemon informed this resolution is a recommendation from the Lodging Tax Advisory Committee to authorize the Mayor to recruit and hire a Tourism Promoter as an independent contractor for a salary of \$48,000.

Council Member Olson stated the City is paying \$37,000 to the Visitor & Convention Bureau (V&C) and he does not agree with hiring a person and keeping the contract with the V&C; it should be either or. He commented Union Gap has a graveyard and a museum, but questioned what Union Gap has to promote that will put heads in beds.

Council Member Matson stated he needs more information before he will buy into this idea.

Council Member Butler informed the Council has been discussing this for about a year, and this will be a good deal for Union Gap because all of the funding comes from hotel/motel taxes.

Council Member Olson stated he would still like to see some money put away for breakout rooms.

Motion by Council Member Olson, seconded by Council Member Bateman to not adopt Resolution No. 709, A Resolution authorizing the Mayor to recruit and hire a Tourism Promoter as an independent contractor. Motion failed: Council Members Olson, Bateman, and Matson voting in favor; Council Members Butler, Vanover, Wentz, and Murr voting no.

Motion by Council Member Butler, seconded by Council Member Murr to adopt Resolution No. 709, A Resolution authorizing the Mayor to recruit and hire a Tourism Promoter as an independent contractor.

Council Member Wentz questioned if compensation for expenses is over and above the \$48,000, and if there is any guarantee the City will not be paying for expenses from the General Fund.

The City Attorney informed the intent is for expenses to be over and above the \$48,000, and stated this will all be paid from hotel/motel money because the position only exists because of that fund and it will be part of the budget.

Council Member Matson questioned the basis for the \$48,000 salary.

The City Attorney stated \$48,000 is the recommendation of the Lodging Tax Advisory Committee.

The City Treasurer stated \$48,000 is the figure included in the 2008 Budget for this position.

Mayor Lemon requested the City Attorney clarify the language regarding expenses in 3. B. of the contract so it states everything is paid from hotel/motel money, and that the tourism promoter obtains approval of the Lodging Tax Advisory Committee and the City Council prior to incurring expenses.

Council Member Butler informed the Lodging Tax Advisory Committee has agreed to oversee this position by meeting with them monthly.

Council Member Wentz questioned if there is a termination clause.

The City Attorney informed the termination clause is 60 days.

Mayor Lemon then called for a vote on the motion to adopt Resolution No. 709, A Resolution authorizing the Mayor to recruit and hire a Tourism Promoter as an independent contractor. Motion carried: Council Members Butler, Vanover, Wentz, and Murr voting in favor; Council Members Olson, Bateman, and Matson voting no.

It was the consensus of the Council that the contract be changed to reflect the wording requested also.

Expenditure Request –  
Purchase of Property

Motion by Council Member Olson, seconded by Council Member Bateman to authorize the expenditure of \$98,000 from the Executive Fund (to be repaid by the Building Fund as the money becomes available) for the purchase of property at

3111 S. 2<sup>nd</sup> Street. Motion carried unanimously.

2008 NLC  
Congressional City  
Conf. November 11-15,  
2008 in Orlando,  
Florida

Council Member Wentz stated this National League of Cities Congressional City Conference is a beneficial conference that allows the Council to learn new information about what is new and available to make things easier. He stated since the Association of Washington Cities is in Yakima this year there should be enough money to send 2-4 people to this conference in November.

Council Member Olson commented we need to see how much money is in the legislative travel budget. He also stated this conference is held every year and some of the Council went to Reno two years ago. He suggested waiting until this conference is on the West Coast again.

Mayor Lemon commented there are other events during the year and money will need to be available for those also and stated he would like to review the budget and make sure there is money for other travel also.

Council Member Olson commented to get the best deal, reservations need to be made two days from now.

Council Member Vanover questioned what the cancellation policy is.

Council Member Wentz stated there is a \$50 cancellation fee.

Mayor Lemon questioned what Council Members would like to attend this conference. Council Members Wentz, Murr, Matson, and Butler stated they are interested in attending.

Motion by Council Member Vanover, seconded by Council Member Wentz to register Council Members Wentz, Murr, Matson, and Butler for this conference and check the budget to make sure there is enough money available for this and other conferences the rest of the year. Motion carried: Council Members Butler, Vanover, Wentz, Matson, and Murr voting in favor; Council Members Olson and Bateman voting no.

Items from the  
Audience

Library Story Hour. Isabelle Melville informed the Library is one of the few non-utilitarian things provided by the City. She stated the Union Gap library provides programs and activities as well as books, magazines, newspapers, etc. She stated they have been providing story hour for 3-5 year olds for 30 or 40 years. Story hour is customarily on Tuesday morning, however, on special occasions it is sometimes on a different morning. She informed last Monday was a special occasion with people from headquarters leading story hour and someone came in and asked that they move story hour because it was disrupting the Judge in court. She stated the families of Union Gap are more important than the court and interrupting the library program is not acceptable. She requested the Council direct the court to not interrupt library programs.

Mayor Lemon questioned if the library story hour could be moved to the old Sr. Center.

Ms Melville stated no, it is important that the children use the library, and informed every child goes away with 4-5 books.

After discussion, motion by Council Member Wentz that the City Council resolve that story hour is important and the Court should refrain from interfering. Motion failed for lack of a second.

Mayor Lemon stated he does not like stuff thrown on the agenda because he likes the Council to review what they are voting on, and requested the City Attorney

prepare a resolution for the April 14<sup>th</sup> Council meeting.

Ag Museum. Ray Kempf, on behalf of the Central Washington Agricultural Museum, thanked the Council for their financial support.

Citizen Patrol. Aubrey Reeves stated the Citizen Patrol recently had a meeting that Mayor Lemon was invited to attend. He informed the issue was the use of the citizen patrol car because Mayor Lemon took the car from the Police Department and it now has to be checked out through his secretary who leaves at 4:00 p.m. and is not available on weekends. He stated last week there was a missing three-year old child and the citizen patrol was not able to get the keys to the car. He also informed that since that meeting Officer Rivera has resigned from the citizen patrol.

Mayor Lemon stated he gave the keys to Mr. Reeves and Mr. Reeves used the car and brought the keys back. Mayor Lemon informed he does not want the citizen patrol car used as a fleet car, but he has spoken with the Police Chief and the car can go back to the Police Department.

The Police Chief informed he and the Mayor have discussed the citizen patrol car going back to the Police Department for check out. He stated in the past this car was also used by the Community Service Officer. Since the car will be exclusively for citizen patrol he recommended changing the light bar and flashing lights to amber and either taking away the police wording on the door or enlarging “citizen patrol” on the door. He stated for reasons of safety and liability, he does not want people to think the citizen patrol are police officers.

Council Member Matson stated he likes the car the way it is because it is versatile and stated if something happened to one of the fleet cars, they could use this car for backup.

The Police Chief stated the car is suitable to a degree, but because of age and other issues the City would be out of compliance with the contract for take home vehicles if they were to use this vehicle as a fleet vehicle.

Graffiti Gone. Nathan Kwak distributed a handout entitled “Union Gap Graffiti Removal Proposal” and stated they are proposing to remove graffiti from all residential areas and school zones for \$2,000 for 6 months. He informed with their system, after graffiti is removed you cannot tell it was ever there. He stated they will also make their database available to the City and they are talking to the state about hosting a database for the state.

The City Attorney informed there is a requirement that the City pay prevailing wages for work performed.

Mr. Kwak informed they are a LLC with three people owning 33 percent of the business so they fall under the owner/operator type of business.

The City Attorney informed because they qualify for the owner/operator exemption, they are exempt from prevailing wage.

Mr. Kwak stated \$2,000 does not cover their costs, but they are willing to do this for six months to show what they can do. After six months they will evaluate and let the City know how much it would cost to continue the program.

Mayor Lemon informed the City has been using community service people and donated paint and stated he would still like to provide community service hours. He also questioned if Graffiti Gone would collect the waivers.

Mr. Kwak stated collecting waivers is time consuming and the City already has quite a few so if the City collects residential waivers, Graffiti Gone will collect

waivers from the utility companies.

Mayor Lemon requested this item be added to the April 14<sup>th</sup> agenda.

Council Member Olson recommended the \$2,000 come from the Contingency Fund.

Sound System. Phil Salzman stated he was glad Mr. Kwak spoke loud enough for the audience to understand, and encouraged the Council to pull the microphones close and speak into them so everyone can hear.

Ray Kempf also encouraged the Council to use the microphones, and stated this sound system is fairly new and is a good system if used.

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 – February 2008; Police Department Status Report – February 2008; Fire Department Status Report – February 2008; Treasurer’s Report – January 2008; New Businesses Report – February/March 2008; and development of agenda for April 14, 2008 Council meeting.

Communications/  
Questions/Comments

Graffiti Program. Council Member Matson questioned how the City’s graffiti program is going.

Mayor Lemon informed the City’s program uses donated paint and labor from community service people that are paying off their traffic tickets and fines. He stated they have painted over a number of houses, garages, and fences and they have been thanked by neighbors and residents.

Council Member Matson commented that this is being done pretty much by the Mayor.

Mayor Lemon invited the Council members to come with him or participate in the program, and informed he is also working with the Public Works Director to see if a part time parks person could help transport the community service workers, and the Code Enforcement Officer is also helping.

Council Member Matson stated he appreciates Mayor Lemon’s efforts.

Infrastructure Funding. Council Member Wentz stated while in Washington D.C., he learned there are funding sources for infrastructure through Washington State Department of Transportation for safe routes to school. He stated this is a traffic calming issue and a health issue to encourage children to walk to school.

Council Member Olson stated the program provides money for plastic for crosswalks so cities do not have to keep repainting the crosswalks.

After discussion, Mayor Lemon suggested the Public Works Director schedule a meeting for the Mayor, Council Member Wentz, and the Public Works Director to meet with the school to discuss this funding.

At 8:22 p.m., Mayor Lemon adjourned the Regular Council meeting.

Adjournment

*These minutes dated March 24, 2008 were approved at the Regular Council Meeting of April 14, 2008.*

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Jim Lemon  
Mayor

ATTEST:

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Kathryn Thompson, CMC  
City Clerk