

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
March 23, 2009

- 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, Glenn Bateman, Dan Vanover, Roger Wentz, Dave Matson, and Jim Murr were present.
- Staff Present Robert Noe, City Attorney; Dennis Henne, Public Works Director; Bill Steele, Fire Chief; William Rathbone, Development Coordinator; Robert Almeida, Police Chief; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Fred Thomson, Michael & Joshua Murr, Stephanie Korn, Debbie Matson, John Hodkinson, Ron Davis, Al Coyner, Aubrey Reeves, Scott Steinloski, James Carmody, Terrance Truhler, Lewis & Donald Beddoe, Wally Moen, Nick Schultz, Joe & Linda Jackson, Ryan Croffut, Tyler Quantrille, Justin Heilman, Jo Collier, Tim Whitehurst, Julie Schilling, Erin Snelgrove, Mike Brown, and others were present.
- Pledge of Allegiance Council Member Matson 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 9, 2009, as sent out on pages 4892 through 4896 of the Minute Book.
- Approve Claim Voucher Nos. 74078 through 74207 in the amount of \$312,993.07 dated March 23, 2009 and transfer from the operating funds to the Claims Fund.
- Approve Petty Cash Check No. 1550, issued and paid in the month of February, in the amount of \$30.00.
- Approve Municipal Court Check No. 3157, issued and paid in the month of February, in the amount of \$54,695.10.
- Approve Advanced Travel Check Nos. 1049 through 1055, issued and paid in the month of February, in the amount of \$1,141.01.
- Approve Treasurer's Check No. 10202, issued and paid in the month of February, in the amount of \$594.02.
- Motion carried unanimously.
- Presentation by the Youth Council Donald Beddoe, Youth Council Co-President, informed he is now co-president because the Council decided he and Erika would share the president responsibilities. He then gave a presentation of the Youth Council website and explained he will be correcting some of the typing on the site. He also requested permission to link to the City's website.
- Council Member Matson questioned if the picture used on the website and business cards is new.
- Donald explained he borrowed that picture off the City's website.
- Mayor Lemon requested Donald contact the City Clerk about linking the websites.

Public Hearing – Six-Year Transit Plan

Mayor Lemon explained this public hearing is for the 6-year Transit Plan that has been prepared by T.C. Transportation and is due to the State by April 1, 2009.

At 7:02 p.m. Mayor Lemon opened the public hearing for the Six-Year Transit Plan.

Ron Davis, T.C. Transportation, informed he is available to answer questions.

Council Member Wentz commented it is a nice plan, and questioned if the figures for the reserves are accurate.

Mr. Davis stated the figures are accurate as long as the sales tax revenues hold. He informed it is a 6-year plan so next year it will be revised using real figures for 2009.

Council Member Wentz questioned the accuracy of the Dial-a-Ride figures.

Mr. Davis stated he believes they are accurate because Dial-a-Ride has stabilized now. He stated there was a one time spike in rider ship and having no fee also added to the number of riders.

There was no one present wishing to speak regarding this item.

The City Clerk announced no written comments have been received.

At 7:05 p.m. Mayor Lemon closed the public hearing.

Resolution No. 774 – Adopting Six-Year Transit Plan

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 774, A Resolution adopting a Six (6) Year Transit Plan. Motion carried unanimously.

Public Hearing – Six-Year Transportation Improvement Program

Mayor Lemon explained this public hearing is for a revision to the City's Six-Year Transportation Improvement Program.

At 7:07 p.m. Mayor Lemon opened the public hearing for the Six-Year Transportation Improvement Program (TIP).

The Public Works Director explained this is a special amendment to the current Six-Year TIP to allow the City to receive approximately \$433,000 in stimulus money for road projects. He informed the TIP will be revised again this summer, which is the normal yearly revision.

There was no one present wishing to speak regarding this item.

The City Clerk announced no written comments have been received.

At 7:09 p.m. Mayor Lemon closed the public hearing.

Resolution No. 775 – Adopting Revised Six-Year Transportation Improvement Program

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 775, A Resolution adopting a Six-Year Transportation Improvement Program (Comprehensive Street Program) for the City of Union Gap. Motion carried unanimously.

Council Member Olson questioned item 4 on page 2 referring to Valley Mall Boulevard Phase V.

The Public Works Director stated Phase V is not our project; it is the Washington State Department of Transportation interchange improvements

scheduled to be advertised in November.

Resolution No. 776 –
Agreement with
Yakima County for
Certification
Acceptance Services

Mayor Lemon explained this agreement with Yakima County is for Certification Acceptance Services so the City can utilize the American Recovery and Reinvestment Act funds for the North Rudkin Road Overlay; Wide Hollow Creek Pathway, Phase 2; Main Street/Ahtanum Road Intersection Overlay; and Ahtanum Road Grind and Overlay.

Motion by Council Member Vanover, seconded by Council Member Wentz to adopt Resolution No. 776, A Resolution authorizing the Mayor to sign an Agreement for Certification Acceptance Services with Yakima County. Motion carried unanimously.

Resolution No. 777 –
Task Order No. 2009-1
with Huibregtse,
Louman Associates,
Inc.

Mayor Lemon informed Task Order No. 2009-1 allows the City's engineers to assist the City with the Stormwater Management Program, and is eligible for reimbursement through Department of Ecology grants.

Council Member Vanover questioned if the total amount is \$25,000.

The Public Works Director stated yes.

Council Member Olson commented that \$25,000 is what is left in grant money.

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 777, A Resolution authorizing the Mayor to sign Task Order No. 2009-1 with Huibregtse Louman Associates, Inc., for Stormwater Management Planning. Motion carried unanimously.

Ordinance No. 2609 –
Amending 2009 Budget
– Convention Center
Reserve Fund –
Tourism Expenditures

Mayor Lemon explained this is a budget amendment ordinance for the \$55,150 tourism budget approved at the February 23, 2009 Council meeting.

Council Member Wentz questioned if the \$55,150 is being added to the \$87,000 already budgeted making a total of approximately \$237,000.

The City Treasurer stated that is correct.

Council Member Wentz commented the City takes in approximately \$175,000 each year so this year approximately \$63,000 over what is received will be spent.

The City Treasurer informed there is a carryover so the fund currently has approximately \$300,000.

Council Member Wentz commented the carryover will be depleted quickly.

Scott Steinloski, Tourism Promoter, stated this year has extra expenses because the City is starting up a new program.

Motion by Council Member Butler, seconded by Council Member Vanover to adopt and publish Ordinance No. 2609, An Ordinance amending the 2009 Budget authorizing an expenditure of up to \$55,150 from the Convention Center Reserve Fund (107) for expenditures relating to tourism.

Council Member Matson expressed concern about projected tax income and revenues falling short, and questioned if money will have to be taken from the General Fund.

Mayor Lemon informed the City Council would have to approve using money from the General Fund.

Council Member Olson commented the City Council already made it clear that no money was to come out of the General Fund for tourism expenses.

Council Member Matson questioned if the money set aside for a conference center is also in the Convention Center Reserve Fund, and questioned what happened to the proposals for a conference center.

The City Treasurer stated yes, the conference center money is part of the same money.

Mr. Steinloski stated he did not know anything about proposals for a conference center.

The City Clerk informed the City advertised for proposals for a feasibility study for a conference center. She stated the Lodging Tax Advisory Committee reviewed the proposals and put the matter on hold due to the expense and they wanted to hire a tourism promoter first.

Mayor Lemon questioned why the committee decided to put the matter on hold instead of the proposals coming to the Council.

The City Clerk stated the committee wanted to make a recommendation to the City Council, but decided to put the matter on hold for now instead of making a recommendation.

Mr. Steinloski stated he did a quick study and found that Yakima County brings in \$327 million for tourism. Union Gap has about 15 percent of the county's hotel rooms and 15 percent of \$327 million is \$50 million that could be coming into Union Gap from tourists. He stated Union Gap could easily bring in \$4 to 5 million in taxes that citizens do not have to pay. He stated he is excited to develop plans for bringing in tourists, but he needs to know everyone is behind him.

Mayor Lemon called for a vote on the motion by Council Member Butler, seconded by Council Member Vanover to adopt and publish Ordinance No. 2609, An Ordinance amending the 2009 Budget authorizing an expenditure of up to \$55,150 from the Convention Center Reserve Fund (107) for expenditures relating to tourism. Motion carried unanimously.

Expenditure Request –
Recommendation from
the Lodging Tax
Advisory Committee
Regarding Hiring
Museum Consultant

Mayor Lemon explained the Lodging Tax Advisory Committee has recommended the Council approve up to \$5,500 to pay for a museum consultant to work with the Agricultural Museum.

Scott Steinloski, Tourism Promoter, stated he believes the Agricultural Museum could be a major attraction in Washington State with the right interactive exhibits, but it will require some work and changes. He is not a museum expert, but he would like to bring an expert in. He stated one idea is to create an interactive historical wine exhibit with the history of wine. Rattlesnake Winery is interested in planting a vineyard and having a winemaker on site every Saturday.

Mayor Lemon questioned how many hours the consultant will put in for the \$5,500.

Mr. Steinloski stated it will include two visits and about 6 days from Eugene, Oregon and a report that will follow.

Council Member Matson questioned how the Agricultural Museum feels about this idea.

Wally Moen, Agricultural Museum President, stated the museum board would like having someone advise them on the right and wrong way of doing things. He stated they are mostly retirees and they need advice. He stated right now it is kind of a hodgepodge.

Council Member Olson stated they have done a good job with the hodgepodge though.

Mr. Moen stated that is thanks to long time members like Bob Eschbach and Bob Herber.

Mayor Lemon questioned if the Agricultural Museum is supportive of this expenditure.

Mr. Moen stated yes, they are looking forward to having help. He stated they advertise, do press releases, participate in parades, etc. and people still do not know about the museum.

Motion by Council Member Olson, seconded by Council Member Vanover to approve an expenditure of up to \$5,500 from the Lodging Tax – Convention Center Reserve fund to hire a museum consultant, as recommended by the Lodging Tax Advisory Committee. Motion carried unanimously.

Resolution No. 778 –
Memorandum of
Understanding
Regarding Hiring
Temporary Fire
Fighters

Mayor Lemon stated this is a Memorandum of Understanding regarding hiring temporary fire fighters and changing the shifts of the fire fighters.

Motion by Council Member Butler, seconded by Council Member Vanover to adopt Resolution No. 778, A Resolution authorizing the Mayor to sign a Memorandum of Understanding with the International Association of Fire Fighters Union Local 3680 regarding a temporary change of fire fighter shift work to a 48 hour on and 96 hour off shift cycle for a trial period.

Council Member Olson questioned why the Memorandum of Understanding has temporary fire fighters starting at step 2 instead of step 1, and stated he would like the 3 percent salary increase explained.

Mayor Lemon informed starting at step 2 is not the proposal if permanent fire fighters are hired after the trial period.

The Fire Chief informed if the City hires permanent employees they would start at step 1 unless he proposes a lateral hire. He stated the City's past practice has been to hire temporary fire fighters at step 2; and the 3 percent increase has also been past practice when the shift changes from 40 hours to 53 hours because the hourly rate drops. The 3 percent increase to the hourly rate is so they are not taking a cut in pay, even though 3 percent does not make it even. He stated this proposal will be accomplished within the current budget and provides a way for the City to provide a better level of service.

Council Member Wentz commented the City needs to break from past practice.

Council Member Matson questioned if starting on step 2 is also because temporary employees have no benefits, and commented that \$200 a month is a pittance compared to paying benefits.

The Fire Chief stated yes and informed step 2 is about \$180 a month and benefits would be \$1,500 per month.

Council Member Wentz commented he has deep concerns about the issue of past practice because this just further cements past practice of hiring at step 2.

The Fire Chief stated past practice has been step 2 for temporary hires, but step 1 for entry level hires. Lateral hires may come in at a higher step, but that is a different matter.

Mayor Lemon called for a vote on the motion by Council Member Butler, seconded by Council Member Vanover to adopt Resolution No. 778, A Resolution authorizing the Mayor to sign a Memorandum of Understanding with the International Association of Fire Fighters Union Local 3680 regarding a temporary change of fire fighter shift work to a 48 hour on and 96 hour off shift cycle for a trial period. Motion carried unanimously.

Mayor Lemon stated he would like the Memorandum of Understanding to be reviewed again by the City Attorney and if he does not like what it says, it will be sent back to the Council.

Mayor Lemon explained this ordinance is necessary for right-of-way acquisition to proceed for Valley Mall Boulevard, Phase IV.

Ordinance No. 2577 –
Acquisition of
Properties for Valley
Mall Boulevard Phase
IV

Council Member Olson commented that even if the ordinance passes, the City enacting condemnation would be a last resort.

Motion by Council Member Wentz, seconded by Council Member Murr to adopt and publish Ordinance No. 2577, An Ordinance of the City of Union Gap, Washington providing for the acquisition of certain properties for the improvement of Valley Mall Boulevard (Phase IV) all located within the City of Union Gap, Yakima County, Washington.

James Carmody, Attorney representing Dr. Truhler of the Medi-Center, stated in spite of efforts to find different alternatives, they are right back where they started with the City. He informed this matter is very serious because it will put the Medi-Center out of business and whether or not the business will be reproduced in this community is unknown. He stated there are ways to design this project to preserve the Medi-Center and move forward with the project.

Council Member Wentz stated there have been three meetings with the Department of Transportation (DOT) designers, the City, and the Medi-Center and all options have been fully explored. The proposed design is the best use of the money for the best outcome for the community.

Mr. Carmody stated not one proposal came back to them from the DOT designers so the perception is that their ideas fell on deaf ears. He proposed the City engage Jeff Louman from Huibregtse, Louman Associates and give him a half day to talk with Medi-Center and he would bet this could be worked out.

Council Member Wentz questioned if Mr. Carmody contacted Jeff Louman and asked him to look at the design.

Mr. Carmody stated yes, but Mr. Louman wanted permission from the City because of his relationship to the City.

Council Member Wentz questioned why this idea was not brought up at any of the meetings.

Mr. Carmody stated it was brought up at the meetings.

Dr. Truhler thanked the Council for the invitation to tonight's meeting and stated he knows this is a tough decision for the Council to make. He stated the Medi-Center is valuable to this community because it fulfills an important and unique role. He stated the Medi-Center was established in 1984 and for 25 years has been open evenings and weekends. For the past 20 years they have seen

between 13,500 and 14,500 people per year, which is 1,150 to 1,250 per month. He stated the past few years the Medi-Center saw more Labor & Industries injuries than both hospitals combined, they perform pre-employment screenings for law enforcement and fire fighters, DOT CDL exams, Federal Aviation Administration pilot exams, drug screenings, etc. He distributed handouts to the Council and stated the last meeting he attended the issue was trucks making left hand turns, but in a sub committee meeting with the State Traffic Engineer that designed the intersection, the problem was identified as the design and where to look elsewhere for solutions. He stated the design calls for 7 lanes on the south side of Valley Mall Boulevard and he does not believe 7 lanes are needed. He stated one lane will not even be used and that lane could solve the design problem. He also stated two left hand turn lanes are proposed because that is what the software the designers use calls for because they believe traffic from the freeway will need two lanes. He questioned why money is being spent to divert traffic for the airport if all the traffic will be here by the freeway. He also stated traffic will not be a problem at the intersection because people will take a short cut across Old Town Road and once the roundabouts are installed, people will use the Rudkin Road short cut onto the freeway. He stated it is unreasonable for a traffic lane that will not be used to be closing the Medi-Center. He stated he is not asking that the intersection not be improved, he knows it is important, but he wants to keep the Medi-Center.

Mr. Carmody stated when Dr. Truhler located the Medi-Center near the Valley Mall, the mall was falling apart. Now the number of people that visit the Medi-Center is every citizen in the community twice a year. He stated the current design takes all the Medi-Center parking and there is no way for Dr. Truhler to move economically. He stated the appraisal was \$520,000 and it would cost \$1.2 million to move to another place. He also stated relocation assistance is not available to Dr. Truhler because the City's letter says it cannot be used for new construction or capital assets. He informed the Council they have the authority to direct staff to redesign this intersection. He stated the concern is that by 2013 the southbound traffic will be a service level F on 1st Street and Valley Mall Boulevard, but the wait at the light will only be 14 seconds longer. He stated medical care is more important than a 14 second wait. He commented that trucks should use South Rudkin Road and go through the roundabouts, not the intersection. He also stated the City offered Frank's Tire more per square foot for the adjacent property than was offered to Mr. Truhler.

Mayor Lemon stated the same appraiser was used for both properties; the only difference is the Medi-Center appraisal was hurried at their request.

Council Member Wentz stated negotiating the appraisal amount should be taken up with the State Department of Transportation not the City Council. He stated if the Council passes the condemnation ordinance, it does not stop negotiations of the appraisal or the final design.

The Public Works Director informed the City is not proceeding with condemnation tonight, this ordinance was brought in advance and is for specific property owners, not site specific.

Council Member Vanover questioned if this ordinance will be brought back to the Council.

The Public Works Director stated if the ordinance is brought back to Council for one person, it will have to come back for all the properties. He stated this ordinance will allow DOT to contractually proceed with the project.

Council Member Vanover questioned if there is a problem with Jeff Louman looking at the design.

The Public Works Director stated no, but the project money will not be able to pay for Mr. Louman's expenses.

Council Member Wentz questioned if that would be considered gifting of funds to one person.

The Public Works Director informed Huibregtse, Louman Associates is already working with DOT to design the water and sewer for this project. If they have a viable recommendation to keep the Medi-Center and meet the requirements of the design that would be great.

Council Member Vanover questioned if the DOT study took Phase IV to the Airport under consideration and if they looked at traffic coming off of Washington Avenue. He then questioned if any property is ready for condemnation now.

The Public Works Director stated no property is ready for condemnation now, but it is critical that the ordinance be passed because of the cities four funding partners. He explained if the design is changed substantially we will have to ask the funding partners to authorize the changes. Right now there is \$2.3 million of stimulus money in the House of Representatives in Olympia that they want obligated and advertised in connection with the DOT project in November. If the City does not move forward we will lose that money. This ordinance needs to be in place to assist with the right-of-way acquisition and we are now in a do or die situation.

Council Member Wentz commented this ordinance first came to the Council last August.

Mayor Lemon called for a vote on the motion by Council Member Wentz, seconded by Council Member Murr to adopt and publish Ordinance No. 2577, An Ordinance of the City of Union Gap, Washington providing for the acquisition of certain properties for the improvement of Valley Mall Boulevard (Phase IV) all located within the City of Union Gap, Yakima County, Washington. Motion carried: Council Members Olson, Bateman, Wentz, Matson, and Murr voting in favor; Council Members Butler and Vanover voting no.

There was no one present wishing to speak.

Items from the Audience

Develop Agenda for April 13, 2009 Council Meeting

Discussion Regarding Future of Fire Service. Council Member Wentz requested discussion of Union Gap contacting the other area fire agencies as the lead agency to discuss regionalization and other options for the future of fire service in the upper valley.

Mayor Lemon informed that will be discussed by a committee prior to being placed on a Council agenda.

Council Member Wentz requested to be included on that committee.

Tourism Promoter Agreements. Mayor Lemon informed the facility use agreement and telephone and internet for the tourism promoter will be on the next agenda.

Scott Steinloski, Tourism Promoter, informed he meets with the Lodging Tax Committee tomorrow. At their last meeting, the committee felt it would be beneficial for him to have a cell phone and his own internet provider. He also informed he looked into rentals in the area with the same square footage and is proposing \$150 a month rent to the committee.

Mayor Lemon questioned if the Council wants Mr. Steinloski present at the next Council meeting.

It was the consensus of the Council that Mr. Steinloski should be present at the next Council meeting.

Council Member Olson commented rent was addressed, but what about utilities.

Mr. Steinloski stated he checked with the State Auditor and they said anything paid for by tourism funds should not also be used by the City. He informed he is proposing to pay for 75 percent of the utilities because there is also storage in the building, and the City staff uses the refrigerator.

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 2009; Police Department Status Report – February 2009; New Businesses Report – February/March 2009; Fire Department Status Report – February 2009; Treasurer’s Report – February 2009; and Tax Revenue Report – February 2007/2008/2009.

Communications/
Questions/Comments

Valley Mall Blvd. Phase III. Council Member Olson requested an update of the Valley Mall Boulevard Phase III project.

The Public Works Director informed work started on the project again about 2 weeks ago. There has been a problem drawing the water table down enough to connect to the deepest sewer line, and the contractor has experienced some problems with shallow private water wells in the area. He informed the utilities should be complete and there should be some road excavation taking place in about 2 weeks. Continued utility work will then occur outside of the corridor, and the roadway should be open to traffic in June.

South 16th Avenue and Valley Mall Boulevard. The Public Works Director informed the South 16th Avenue project is uncertain at this time. He stated the City’s project ends between West Washington Avenue and McAllister Museum after taking a turn north onto the existing South 16th Avenue. He informed Yakima is behind on their project and has not even advertised yet. He stated he has a meeting with Yakima tomorrow to see what their plans are, but stated they may be planning to close South 16th Avenue.

Council Member Vanover was excused from the meeting at 8:17 p.m.

Water Rights Purchase. Mayor Lemon questioned if the City Attorney is pursuing the water rights purchase.

The City Attorney informed he had understood the Mayor wished to have a Council committee meeting to look into the purchase of water rights.

Mayor Lemon instructed the City Attorney to go ahead and negotiate and see what proposal is made.

The Public Works Director informed he budgeted some water rights money in this year’s budget so there may be some money to work with this year.

At 8:19 p.m., Mayor Lemon adjourned the Regular Council meeting.

Adjournment

These minutes dated March 23, 2009 were approved at the Regular Council Meeting of April 13, 2009.

Jim Lemon
Mayor

ATTEST:

Kathryn Thompson, CMC
City Clerk