

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
May 10, 2010

- Call to Order Mayor Lemon called the Regular Meeting of the Union Gap City Council to order at 7:03 p.m.
- Council Members Present Council Members David Butler, Dan Olson, Dan Vanover, Dave Matson, James Murr and Chad Lenz were present.
- Staff Present Robert Noe, City Attorney; Dennis Henne, Public Works Director; Bill Steele, Fire Chief; Robert Almeida, Police Chief; Mark Reynolds, Development Coordinator; and Kathryn Thompson, City Clerk were present.
- Audience Present Debbie Matson, Michael & Joshua Murr, Aubrey Reeves, Jo Collier, Frank Glaspey, Jack & Lodia Galloway, Chris Dahl, John Hodkinson, Yvette Lewis, Erin Snelgrove, and others were present.
- Roll Call Mayor Lemon called for a roll call.
- The City Clerk called roll. All Council Members were present except Council Member Wentz.
- Mayor Lemon informed Council Member Wentz is absent due to illness.
- Pledge of Allegiance Council Member Matson led the Pledge of Allegiance.
- Consent Agenda Motion by Council Member Vanover, seconded by Council Member Murr to approve the consent agenda, as follows:
- Approve the Regular Council Meeting Minutes, dated April 26, 2010, as sent out on pages 5058 through 5063 of the Minute Book.
- Approve Claim Voucher Nos. 77071 through 77099, in the amount of \$261,794.01 dated April 29, 2010 and transfer from the operating funds to the Claims Fund.
- Approve Payroll Voucher Nos. 33409 through 33476, in the amount of \$138,196.61 dated April 29, 2010 and transfer from the operating funds to the Payroll Fund.
- Approve Claim Voucher Nos. 77100 through 77167, in the amount of \$324,739.05 dated May 10, 2010 and transfer from the operating funds to the Claims Fund.
- Adopt Resolution No. 874, A Resolution authorizing the Mayor to sign an Amendment to SIED Contract No. YC BS 09 related to the Beltway Study to permit coordination with the Washington State Department of Transportation and with the Yakima Valley Conference of Governments.
- Adopt and publish Ordinance No. 2678, An Ordinance amending the 2010 Budget to reflect the receipt of \$5,000 additional Yakima County SIED Grant funding and authorizing expenditures of said funds from the Infrastructure Reserve Fund (124) for the Beltway Study.
- Adopt and publish Ordinance No. 2679, An Ordinance amending the 2010 Budget to authorize the expenditure of \$850,000 for matching funds for the State and Tribal Assistance Grant (STAG), using money from the Water/Sewer Reserve Fund (404).
- Motion carried unanimously; Council Member Wentz absent.

Public Hearing – Public Nuisances and Chronic Nuisance Properties

Council Member Olson stated this ordinance is not complete and has two references that are not Union Gap Municipal Code. He requested this item be tabled to another time.

Ordinance No. 2674 – Amending Municipal Code – Public Nuisances & Chronic Nuisance Properties

The City Attorney explained the ordinance was taken from Yakima’s ordinance, and there are two references (one on page 4 and one on page 5) that say YMC 11.45 that should say UGMC 8.21. He stated these typographical errors were oversights.

Council Member Olson questioned if this ordinance went to the Planning Commission.

The Development Coordinator informed this ordinance did not need to go to the Planning Commission.

Council Member Olson stated protocol was not followed with this ordinance; this ordinance should have gone through the Planning Commission.

Jack Galloway, Planning Commission member, informed he did not realize this ordinance should have gone to the Planning Commission, but it certainly can go before the Planning Commission.

The City Attorney stated this ordinance does not address development regulations.

Council Member Olson stated this type of ordinance has always gone before the Planning Commission before coming to Council.

Council Member Matson commented he has a lot of problems with this ordinance such as the affects on business licenses and paying people to leave the property. He also informed the ordinance does not comply with the Landlord Tenant Act. He stated we need an ordinance like this, but we need one that property owners can deal with.

Motion by Council Member Olson, seconded by Council Member Matson to table this ordinance for submittal to the Planning Commission to return a corrected document. Motion carried unanimously; Council Member Wentz absent.

The Development Coordinator informed the Planning Commission meets the fourth Tuesday of this month and he will add this ordinance to the agenda.

Public Hearing - Signs

At 7:15 p.m. Mayor Lemon opened the public hearing for signs.

The City Clerk informed no written comments have been received.

The Development Coordinator informed the Planning Commission had been working on billboard regulations when he came. After the last Planning Commission meeting, this ordinance banning off-site signs was drafted. He stated this ordinance does not change existing signs, but it stops billboards from continuing to occur.

Council Member Matson stated he has an issue with no signage on easements and questioned why easements could not be utilized if it does not affect traffic.

The Development Coordinator stated building on utility easements is not allowed.

Council Member Matson questioned if a sign could be hanging on top of an

easement.

The Development Coordinator stated he would discourage anything in the easement, because if there is an easement there is a good reason for it. He also informed hanging signs might cause a problem if repairs in the easement are necessary.

Council Member Lenz informed the ordinance says no permits will be granted for repairs greater than 50 percent of the market value. He questioned what happens to signs not being repaired.

The Development Coordinator stated the sign owner would need to produce documentation to show the extent of the repairs to determine 50 percent of the market value.

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

At 7:19 p.m. Mayor Lemon closed the public hearing.

Ordinance No. 2675 –
Amending Municipal
Code - Signs

Council Member Olson commented the definitions are not mentioned in the whereas sections of the ordinance. He also informed some easements allow signs.

Council Member Vanover stated he would not want signs hanging over road easements.

The City Attorney informed the ordinance can be modified to whatever the Council's intention is. He also informed easements usually have provisions for no permanent structures.

After discussion, motion by Council Member Vanover, seconded by Council Member Murr to adopt and publish Ordinance No. 2675, An Ordinance amending Chapter 17.08, Signs, of the Union Gap Municipal Code by amending existing sections and adding a new section and deleting a portion of section 17.04.030.

Council Member Olson stated the meaning of off-premise signs depends on interpretation.

The Development Coordinator informed the City already has a sign ordinance; this ordinance is adding off-premise sign to the existing ordinance.

John Hodkinson stated Winco was given permission for an off-site sign that is going to sit on a separate easement on Valley Mall Boulevard that is not on Winco's property and when other stores come in they will be added to the sign also.

The Development Coordinator stated Winco's binding site plan had a public hearing, has been approved, and recorded, so it would be grandfathered.

The City Attorney stated the ordinance is pretty broad; he suggested redrafting the ordinance so it is clear that it does not include the type of sign Winco will be using. He also suggested defining billboard in the ordinance.

John Hodkinson informed the Urban Area Planning Commission is reviewing outlawing billboards with a definition. If passed, billboards will not be allowed on major arterials west of town anymore.

Council Member Vanover requested Mr. Hodkinson send the information to the City Attorney.

After discussion, Council Members Vanover and Murr withdrew their motion and second to adopt Ordinance No. 2675.

Motion by Council Member Vanover, seconded by Council Member Lenz to table this ordinance to the next Council meeting so the City Attorney can make changes, including defining billboards. Motion carried unanimously; Council Member Wentz absent.

Excuse Council Member Wentz

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

Ordinance No. 2676 – Amending Municipal Code – Utility Service Outside City Limits

Motion by Council Member Vanover, seconded by Council Member Butler to adopt and publish Ordinance No. 2676, An Ordinance of the City of Union Gap, Washington, creating a new Union Gap Municipal Code Chapter 12.24, Utility Service Outside City Limits. Motion carried unanimously; Council Member Wentz absent.

Resolution No. 875 – Collectively Bargained Agreement with AFSCME Public Works Employees

Motion by Council Member Olson, seconded by Council Member Vanover to adopt Resolution No. 875, A Resolution authorizing the Mayor to sign the 2010-2012 Collectively Bargained Agreement with AFSCME Public Works Employees. Motion carried unanimously; Council Member Wentz absent.

Authorize Mayor to Negotiate Engineering Contracts

Motion by Council Member Olson to authorize the Mayor to negotiate professional service agreements with Huibregtse, Louman Associates, Inc. (HLA) for the Valley Mall Boulevard Phase IV construction administration and for the Gravel Alleys and Paving Project. He stated the scoring is suspect because HLA did the study and wrote the grant to get this money and he does not agree with sending our money outside the City to complete the gravel alley and paving project.

Council Member Vanover informed he was on the committee that evaluated the contractors. Both firms are very professional and quite capable, but the difference was with the workload and ability to get the project done; the recommendation to use RH2 was nothing against HLA.

Council Member Olson stated RH2 is out of the Tri-Cities so the money will be going to the Tri-Cities.

After discussion, Council Member Butler seconded the motion by Council Member Olson to authorize the Mayor to negotiate professional service agreements with Huibregtse, Louman Associates, Inc. (HLA) for the Valley Mall Boulevard Phase IV construction administration and for the Gravel Alleys and Paving Project. Motion carried: Council Members Butler, Olson, Matson, Murr and Lenz voting in favor; Council Member Vanover voting no. Council Member Wentz absent.

Discussion of Draft Sunnyside Crime Free Rental Housing Ordinance

Mayor Lemon informed this draft of Sunnyside's recent crime free rental housing ordinance is for discussion.

Council Member Vanover stated it looks like this ordinance is in line with the first ordinance on nuisances that was sent to the Planning Commission, and recommended sending this ordinance to the Planning Commission also.

Mayor Lemon informed there are problems in our town and we need to take this seriously. He informed the City needs ordinances to protect the innocent people that are just trying to live. He then requested the Police Chief address both ordinances.

The Police Chief stated the nuisance ordinance touches base with the RCW's and the Union Gap Municipal Code, and gives the City the ability to go after the properties that become a problem with incidents or crimes. He stated the ordinance gives the Police Department more teeth to deal with the problems and the ability to get the owner's cooperation in resolving problems.

Mayor Lemon questioned if the Police Department receives complaint calls from different parts of town from neighbors.

The Police Chief stated yes.

Mayor Lemon stated he is constantly hearing from different people in different parts of town and we have had two drive by shootings in the last twelve months. He stated we do not have the problems Yakima has, but we do not want those problems coming here.

The Police Chief stated he feels the ordinance would be a good tool and commented he has had meetings with several residents that are frustrated with their neighborhood.

Mayor Lemon commented there are sections of the ordinance he does not agree with, such as he does not believe the landlord should have to pay for someone to move out when they are involved in crime. He also commented maybe the notice should be changed to 60 or 90 days, but he thinks this ordinance could have been modified and passed tonight.

Council Member Matson stated the City needs landlords to work with the Police Department and the ordinance needs to coincide with the Landlord Tenant Act.

Mayor Lemon informed the nuisance ordinance is for anyone who is allowing crime, and most of the complaints he receives are owner-occupied homes.

Jack Galloway expressed frustration that year after year the City does not do anything. He informed there are half a dozen nuisances that have been there forever and he sometimes wonders if code enforcement is working. He stated there are apartments across from him that have never had the weeds cut, there are derelicts in town and something needs to be done about it. He informed there is a good ordinance to take care of boom cars, but he can still hear them three blocks away. He encouraged the Council to do something about the crime and trash in this town.

Mayor Lemon informed he received a list of enforcement actions taken by the Police Department today, and they are enforcing the ordinance.

The Police Chief informed they are enforcing as complaints come in or as the police officers hear the cars. He encouraged citizens to call in license plates if possible because these vehicles are mobile and sometimes hard to catch.

Council Member Olson stated it is hard to get the license number at 1:00 a.m.

Mayor Lemon also reported the Police Department is rounding up kids that are out all night and giving them tickets with \$100 fines.

The Police Chief informed they are cited under parental responsibility.

Referring to the crime free rental housing ordinance, Council Member Olson stated 5.02 adds annual license requirements for rental units at no cost. He questioned the administrative ramifications of such a license. He informed he agrees with Mr. Galloway that something needs to be done, and he has no problem with the idea of this ordinance; the real key is enforcement of the

ordinances we have.

Mayor Lemon informed we do not have this ordinance on the books right now.

Discussion of Sales Tax Revenue

Mayor Lemon informed Council Member Wentz requested this information.

Council Member Vanover stated he would like to see the overall revenue, not just sales tax, as sales tax is only a small part of the revenue.

Mayor Lemon stated sales tax is not a small part of the revenue; it is about 50 percent of the General Fund revenue.

Council Member Vanover stated he would like to see expenditures as well.

Mayor Lemon informed he had the City Treasurer call Council Member Wentz to clarify what he wanted, and this is the information Council Member Wentz requested. He stated he asked the Treasurer to show three years to show you can not predict the entire year off the first quarter.

Council Member Vanover stated he would like to see the whole income, including property tax.

Mayor Lemon stated property tax does not change very much from year to year.

Council Member Vanover stated he would also like to know expenditures vs. projected expenditures; in other words the budget vs. actual revenues and expenditures.

Council Member Olson agreed.

Mayor Lemon informed this item would be tabled to the next Council meeting for more information.

Items from the Audience

Publication of Employee Information. Yvette Lewis, staff representative for Washington Council of County and City Employees representing Local 1122 Public Works employees, stated she is concerned and outraged on behalf of Local 1122 regarding the publication of employees' names and costs in the May/June newsletter. She stated this information could have been published by position without listing names. She also informed the article said the local representatives in Olympia suggested this information be published, but when she contacted those representatives they denied recommending employee names be published and they were outraged also. She stated the union believes this is a violation of privacy and of the public disclosure act, and questioned what the Council's reasons for publishing this information are.

Mayor Lemon stated the Business Times printed similar information, and asked the City Attorney if this violated the privacy act.

The City Attorney informed the information is public record if requested.

Ms Lewis stated even if it is public record, publishing this list is an affront to the City employees and her union members. She stated the only reason she can see for this action was to alienate the citizens from the employees, but the employees are also citizens of Union Gap. She questioned if the Council would appreciate having all their benefits, salaries, and retirement published.

Mayor Lemon informed the Mayor and Council were included in the publication.

Ms Lewis informed this does not bide well with the employees and this is not the only bargaining unit upset. She stated Police Officers do not appreciate having their names out in the public in this format either.

Jack Galloway stated he can appreciate what Ms Lewis said, but believes people need to know this information. He stated it made him proud to know the employees are making a decent living.

Develop Agenda for
May 24, 2010 Council
Meeting

Spreadsheet of Potential Grants and Low Income Loans. Council Member Olson stated he would like a spreadsheet of potential grants and low income loans for City projects on the next agenda.

Mayor Lemon questioned who is going to create this document.

Council Member Olson suggested the Public Works Director put this together, and commented tomorrow is the deadline for Public Works Trust Fund and September is the deadline for Safe Drinking Water.

Mayor Lemon questioned why Council Member Olson does not make the document.

Council Member Olson stated he does not know when all the deadlines are. He also informed the Mayor decided on his own not to seek the Safe Drinking Water money and he believes we should have applied for that money.

The Public Works Director informed there were two or three grants available after the STAG grant; one was for Safe Drinking Water money, but it was 50 percent loan and 50 percent grant.

Mayor Lemon commented on tonight's consent agenda an ordinance was passed amending the budget for \$850,000 for the STAG grant. He informed the Council cannot continue to borrow for all these projects because they all cost a lot of money and there is an additional 25 percent added to be in compliance with the bond company.

Council Member Olson stated if we can get ½ million dollars of free money we should get the money anytime we can.

Mayor Lemon stated we cannot keep borrowing for match money unless the Council is looking at substantial rate increases.

Utility Rates. Council Member Olson stated he would also like a discussion of utility rates added to the next agenda. He stated the City needs to aggressively look into finding more money to go with the \$1 million Community Development Block Grant (CDBG) money we are receiving. He stated we need to apply for Safe Drinking Water money.

Mayor Lemon informed the CDBG money does not require a rate increase.

Fire Department Organizational Study. Council Member Olson requested an organizational study of consolidating with West Valley Fire and Rescue be added to the agenda, and commented the money for the study can be taken from the Fire Truck Reserve Fund.

Mayor Lemon stated a study of consolidating with West Valley is okay, but he does not want any consolidating with Yakima, and is not going to allow the Chief to discuss that.

Mayor Lemon questioned why not pay HLA to make the list of loans and grants.

The Public Works Director stated he will put together a document of the

historically annual grants and give new ones to the Council as he receives announcements. He informed there is a public works committee meeting every month now and the utility rates could be discussed through committee before coming to the Council.

Financial Software. Council Member Vanover questioned when the implementation of the new software will take place.

Mayor Lemon informed BIAS is working with the City Treasurer right now. He stated they will start with utilities so we will have the on-line bill paying and then move into the reports the Treasurer needs. He informed it will probably be June when this phase is ready and about 6 months for the rest of the software.

Departmental Reports

Mayor Lemon informed the following reports are in the packet and questioned if the Council has any questions of the departments: Tourism Promoter Status Report – April 2010; Treasurer’s Report – March 2010; and Tax Revenue Report – March 2010.

Fire. The Fire Chief informed the revised International Fire Code is being prepared for the next agenda. He stated revisions are on a three year cycle, with the last revision being 2006. He informed Washington State approved the revisions to go into effect in mid July, and the State Building Council removed the provision for residential sprinkler systems making that an option for each City.

Communications/
Questions/Comments

There were no communications/questions/comments.

Adjournment

At 8:33 p.m., Mayor Lemon adjourned the Regular Council meeting.

These minutes dated May 10, 2010 were approved at the Regular Council Meeting of May 24, 2010.

Jim Lemon
Mayor

ATTEST:

Kathryn Thompson, CMC
City Clerk