

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
May 11, 2009

Call to Order Mayor Lemon called the Regular Meeting of the Union Gap City Council to order at 7:04 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; William Rathbone, Development Coordinator; Bill Steele, Fire Chief; Robert Almeida, Police Chief; and Karen Clifton, City Treasurer were present.

Audience Present Fred Thomson, Stephanie Korn, Michael & Joshua Murr, Lewis & Donald Beddoe, Erika Lemon, Scott Steinloski, Dawn & Amy Lemon, John Hodgkinson, Bob Wilson, Hector, Marcie & Angelica Rivera, Jack Galloway, Joe & Linda Jackson, Julie Schilling, Jack Cannon, Kelly Rosenow, Carl Hendrickson, Blanca Ramirez, and others were present.

Pledge of Allegiance The Fire Chief led the Pledge of Allegiance.

Consent Agenda Motion by Council Member Wentz, seconded by Council Member Vanover to approve the consent agenda as follows:

Approve the Regular Council Meeting Minutes, dated April 27, 2009, as sent out on pages 4911 through 4914 of the Minute Book.

Approve Claim Voucher Nos. 74441 through 74478 in the amount of \$271,801.93 dated April 30, 2009 and transfer from the operating funds to the Claims Fund.

Approve Payroll Voucher Nos. 32493 through 32574 in the amount of \$150,057.26, dated April 30, 2009 and transfer from the operating funds to the Payroll Fund.

Approve Claim Voucher Nos. 74479 through 74556 in the amount of \$439,876.95 dated May 11, 2009 and transfer from the operating funds to the Claims Fund.

Motion carried unanimously.

Resolution No. 784 – Regional Aquatic Center Mayor Lemon stated this item is to discuss whether or not to place the issue of a tax increase to support a Regional Aquatic Center on the ballot for the voters' consideration. He stated he would first ask the Council Members for questions or comments, then ask the audience members who wish to speak to come to the podium.

Council Member Wentz gave an overview of the Yakima City Council Study Session he attended on April 28th concerning the aquatic center proposal. The cost has been lowered from \$32 million to \$27 million, and the aquatic center committee believes that the old Boise Cascade site is the only option at this point. Part of the reason for the cost reduction is because the owners of the property have verbally agreed to donate the 12 acres of land. Other cost cutting measures include contracting out the maintenance and operation of the center. The committee has spoken with the Y.W.C.A. and they are interested in contracting the maintenance and operation. The committee further stated that any costs for maintenance and operation above and beyond the tax and admissions revenue would be covered by the City of Yakima. The cities of Selah and Union Gap would not be responsible for any additional costs. He informed his understanding is that the additional costs would not affect Union Gap's budget at all. He also stated Yakima does not intend to put this on the ballot this

year, since there are still many unanswered questions and studies that need to be done. According to the City of Yakima, the projected admission cost would be \$6 per day for children and \$10 per day for adults. These costs are comparable to the Moses Lake facility. He stated if this was a private company, the costs would be approximately \$25 per day for children and \$30 to \$40 per day for adults. He feels that having a regional, government-run aquatic center saves the local users money, and there would be seasonal passes that would further save them money.

Mayor Lemon questioned if the aquatic center in Moses Lake is government-run.

Council Member Wentz stated that it is a city-owned, municipal facility.

Mayor Lemon inquired about the funding structure of the Moses Lake facility.

Council Member Wentz stated he does not know. He said that if Union Gap was to vote no now, the aquatic center issue is likely to die, and residents would not get a chance to speak. In his mind, by voting no on continuing to support Yakima, while they are covering all of the costs of exploring this, we would be sending a message to all voters that we don't want them to have a chance to vote on the issue. He stated he disagrees with that kind of statement.

Mayor Lemon questioned if Council Member Wentz feared that the residents of Union Gap could be out-voted.

Council Member Wentz stated he has heard the comment that Union Gap residents could be out-voted before, but he is not sure that he agrees with it. He does not see the justification in the idea that Union Gap voters would vote so much differently than Yakima voters. He stated it is a regional aquatic center, not a Union Gap or Yakima aquatic center. He stated the idea of contracting out the maintenance and operation of the facility is good because it would not be a Yakima City-run facility. It would not just be one municipality running it and the other two catering to whatever they said. He also pointed out that 1/10th of one percent would be \$1 of every \$1,000 spent. Other options the City of Yakima discussed were to use property tax or utility tax revenue instead of sales tax revenue, which he does not support.

Mayor Lemon asked if there were any other questions from the Council. With no other questions, the Mayor asked the audience if they had questions.

Jack Galloway questioned the benefit of the aquatic center to Union Gap citizens, and asked if voting is private and no one knows who votes, how will anyone know which city the votes are coming from.

Mayor Lemon explained that voters are divided into precincts, so the votes would be broken down to the different areas within the cities.

Council Member Wentz stated since Union Gap does not have pools, we rely on Yakima's pools. He compared going to Lion's Pool for 1-1/2 hours for approximately \$2 versus a full day at the aquatic center for \$6 to \$10 is a much better deal. It would also bring in tourists, which would mean more dollars for our mall, generating more taxes for our city. He stated this would provide our citizens with a better quality of life since they would have access to this state-of-the-art facility. He pointed out it would not cost the City of Union Gap anything to continue the process.

Lewis Beddoe stated that everyone he has talked to does not want this facility. He questioned why Union Gap doesn't build its own pool instead of funding Yakima's proposal.

Council Member Wentz responded that it would not be feasible for Union Gap to fund its own pool because pools lose money. He stated the aquatic center might not pay for itself either, but Union Gap will not have to pay the costs.

Mr. Beddoe stated the proposed aquatic center site is in a bad neighborhood; most people do not want to take their children into those kinds of neighborhoods.

Council Member Wentz stated he understands Mr. Beddoe's concern, but bringing a center like this to the neighborhood would curtail some of the negative activity in the area. He pointed out that the people who complain about the neighborhood, are the same people who complain that children are out doing graffiti because they don't have anything else to do.

Council Member Murr questioned why we don't just leave it up to our citizens.

Council Member Wentz stated this is what the Council is being asked to do through this resolution. The question being asked is whether the Council is willing to allow this to be put on the ballot for citizens to vote, not whether the Council wants the facility or not.

Donald Beddoe stated he will not be old enough to vote for 2 more years, but he thinks Yakima is just using Union Gap for the money; they don't care about Union Gap.

Council Member Wentz stated Union Gap citizens would be able to use the facility. If Union Gap was not involved, and Yakima found another way to fund the center, Union Gap citizens would not be eligible for regional discounts. He also reiterated that this is not going to go on the ballot this year, and perhaps Mr. Beddoe will be old enough to vote by the time it goes on the ballot.

Mayor Lemon stated this is just a resolution for the Council to determine whether it should be placed on the ballot for the voters to decide. He also pointed out that some of the current Council Members might not be on the Council next year. Therefore, all the Council Members can do is speak for the remainder of their term.

John Hodkinson explained that Union Gap citizens do not supply the majority of the sales tax money that is spent in Union Gap. The sales tax money comes from people residing in Yakima, Ellensburg, and from people who come into town for tourism events. In response to the issue about the area for the aquatic center; he stated that there is going to be a lot of money spent in that area to improve it. There has already been development and there will continue to be development which will improve the whole area. He informed he spoke with the manager of the Moses Lake facility, and they run the center in the black every year. They are not trying to make a profit, but they are at least breaking even. They are trying to attract tourists to Moses Lake.

Council Member Wentz stated he has heard the water park facility has been a huge boost to the Moses Lake sales tax revenue.

Mr. Hodkinson stated if an aquatic center is built, it needs to be an outstanding facility. You have to spend the money to do it right to attract people.

Council Member Vanover questioned whether he was referring to local residents or tourists.

Mr. Hodkinson stated you would need to bring tourists in to make the facility work; it is going to have to be big enough to attract people from out of town like the Moses Lake facility does.

Council Member Vanover stated this issue has been constantly misrepresented as being a benefit for the people of this valley. He stated from everything he has read he feels that it is geared toward tourism; not toward local residents. He stated it is a poor location for local residents; it is not centrally located and would be difficult for West Valley and Union Gap children to get to, unless their parents are able to transport them.

Council Member Wentz suggested people utilize the bus system.

Mr. Hodkinson questioned if it is difficult for these same children to get to the mall. He stated they seem to be getting there and spending their money. He stated that is why Costco chose to build in Union Gap. He said it would be very easy to use the freeway to get to the center.

Mayor Lemon agreed with Council Member Vanover's idea of being more centrally located within the valley. He thought that Union Gap would be more centrally located. He believes that this is why people from all over the county are coming to Union Gap, to use our tax-provided services that are free here. He questioned what revenue source is paying for the Moses Lake facility.

Council Member Olson stated that it was councilmatic bonds that paid for the construction of the facility.

Mr. Hodkinson stated the citizens of Moses Lake turned down the aquatic center, but the council felt so strongly about it they used councilmatic bonds to pay for its construction. The bonds are being paid back by the users of the facility.

Scott Steinloski, Tourism Promoter, stated this facility would greatly increase tourism. Tourism promoters will be able to use this facility to gear tourism packages to families as there are not a lot of family-oriented facilities. This facility might also bring in swimming events.

Fred Thompson stated Yakima could make better use of their money by fixing the pools that they already have.

Dawn Lemon questioned the discounts that the local citizens would be receiving. Long after the tourists are gone for the summer, local residents will still be paying the taxes. She would like to know more about the benefits for local citizens before it is voted on. She questioned whether Moses Lake residents receive any kind of discount.

Council Member Wentz stated he does not know if Moses Lake residents receive a discount. He stated there are a lot of questions that need to be answered by the committee spearheading the facility.

Mrs. Lemon stated she would like to know the benefits to the local citizens. She stated paying \$6 for each of her four children would be very expensive. She stated it is already hard to get into Franklin Pool in the summer because it is so full. She stated waiting in line for 20 minutes in the 90 degree heat at Franklin Pool is bad enough; now she will be expected to wait for 30 minutes or more at the aquatic center.

Council Member Wentz stated the local pools are overcrowded because there are currently 2 pools for a population of over 100,000 people.

Mrs. Lemon stated people are not coming from out of town to visit Franklin Pool, but with an aquatic center along the freeway, local residents will now be competing not only with other local residents, but with tourists and groups from out of town. To be expected to stand in line in the 90 degree heat, paying \$6 for her children, only to get a 50 cent discount would not be beneficial.

Council Member Wentz stated at the Yakima Study Session, six Council Members committed to not closing Franklin and Lions pools.

With no further comments from the audience, Mayor Lemon opened discussion to the Council.

Council Member Olson stated according to the Yakima Study Session minutes about the aquatic center, the meeting adjourned to an Executive Session to discuss the closure of Franklin and Lions pools. The aquatic center committee later made a recommendation that Franklin and Lions pools not be closed. He stated in light of this information nothing is set in stone at this time. He questioned the title of a regional aquatic center because everything to this point has said Yakima. He explained that the aquatic center will be built under a Public Facilities District (P.F.D.) and Union Gap has no control and no say since we have no one representing Union Gap on that board.

Mayor Lemon explained Union Gap does have representation on that board.

Council Member Olson stated no Union Gap City officials are there determining where that money goes, so at this point we do not have control.

Mayor Lemon explained he has heard from this Council as well as the Mayor in Selah that all of these facilities always go to Yakima, and Selah and Union Gap never seem to be considered. However, Union Gap and Selah do not have the general fund balances to absorb the possible shortfalls that Yakima does.

Council Member Olson stated the numbers being presented for the aquatic center are only estimates; until the bids go out we will not have a clue to the actual cost. The fact that they are predicting the cost going from \$32 million down to \$27 million means nothing to him. He stated the only way he would ever consider this proposal is if the voters of Union Gap could vote independently from the other two cities.

Mayor Lemon asked the City Attorney if something could be put on the ballot where Union Gap voters could say whether they want this on the ballot.

Bob Noe stated only voters in the public facility district can affect the tax, and he is not sure whether a ballot could be used to survey the voters, but he would check into it.

Council Member Olson stated the voters could start a petition to bring it back, but at this point we do not have enough information. He stated there are still big hurdles to get over. He questioned what benefit the residents of Union Gap would get from this facility, and stated he would rather see that money used to build a pool at Ahtanum Youth Park. He further stated the proposed aquatic center site is in the flood plain, and they need to address that issue also. He believes this whole discussion is premature and the project could be anywhere from 5 to 20 years down the road. He does not agree with the Council making a decision for people in the future.

Council Member Butler questioned if the Yakima City Council is pushing for action from Union Gap at this time.

Council Member Wentz stated Yakima would like Union Gap's input to determine if they should continue to move forward or not.

Mayor Lemon agreed, and stated Yakima would like to know where the other two cities stand. All this resolution is stating is whether the Council wants to participate in this program. He is tired of getting calls to speak on behalf of the

Council. He wants the Council to take action and say if they want to participate in this proposal or not.

Council Members Wentz and Butler questioned why Yakima is not at this meeting.

Mayor Lemon stated he invited Mayor Edler to this meeting, but Mayor Edler stated he did not want to put pressure on the Union Gap Council; he wanted an independent answer from Union Gap. Yakima wants to know if they can count on this tax to build the facility.

Motion by Council Member Olson, seconded by Council Member Bateman to not approve Resolution No. 784, A Resolution of the City of Union Gap recognizing that the issue of whether a Regional Aquatic Center should be constructed should go to the voters for their consideration and their approval or denial and the City Council supports putting the matter before the voters for a decision. Motion carried: Council Members Butler, Olson, Bateman, Vanover, Matson, and Murr voting in favor; Council Member Wentz voting no.

Resolution No. 785 –
Local Agency Agree.
For Use of Federal
American Recovery &
Reinvestment Act
Monies – N. Rudkin
Road & Main/Ahtanum
Road Overlay Project &
Wide Hollow Creek
Pathway Phase II

Motion by Council Member Butler, seconded by Council Member Vanover to adopt Resolution No. 785, A Resolution authorizing the Mayor to sign Local Agency Agreements with the Washington State Department of Transportation, Local Agency Federal Aid Project Prospectus, and Local Agency Standard Consultant Agreements with the City's engineers, Huibregtse Louman Associates, Inc., for the Wide Hollow Creek Pathway Project and approving and ratifying the Mayor's signature on the N. Rudkin road and Main/Ahtanum Road I/S grind and overlay documents for the purpose of complying with Federal requirements for the use of Federal American Recovery and Reinvestment Act (ARRA) monies to be used for the City's N. Rudkin Road and Main/Ahtanum Road I/S grind and overlay project and Wide Hollow Creek Pathway Projects.

Council Member Olson questioned why the Council received a revised resolution at the Council Meeting and what is the difference between the two resolutions.

The Public Works Director explained he received two packets late Thursday afternoon, after the packet had already gone to Council. He received the same requirements for passing the Local Agency Agreement Prospectus, and the Local Agency Consultant Agreement for the Wide Hollow Creek Pathway. The old packet did not have the Wide Hollow Creek Pathway listed for approval of those items, but the new packet does.

Mayor Lemon stated this shows that staff, rather than the Council and the Mayor are getting the money for us.

Mayor Lemon then called for a vote on the motion by Council Member Butler, seconded by Council Member Vanover to adopt Resolution No. 785. Motion carried unanimously.

Report from Julie
Schilling Regarding the
Crime Watch
Symposium

Julie Schilling and Jack Cannon, West Side Merchants, and Kelly Rosenow, Yakima Deputy Police Chief, discussed the Crime Watch Symposium held at the Valley Mall on April 17th and 18th. Ms. Schilling stated the Sheriff's Department and Union Gap Police Chief Robert Almeida also worked with them at the Symposium. She presented a letter from the Governor and a T-Shirt to the Mayor to commemorate the occasion. She also stated there was a coloring contest held at the symposium and she wanted to present awards to the winners. Chief Almeida and Deputy Chief Rosenow presented the awards to Union Gap School students Angelica Rivera and Blanca Margarita Ramirez. In addition to an award, the winners received a case of Coke, since Coke was a sponsor of the event.

Jack Cannon stated the Symposium was a success and that other organizations are thinking about using this Symposium as a model all over the state. He thanked the Mayor and Council for their support.

Mayor Lemon thanked them and said he thinks it is a very nice program.

Ms. Schilling stated there are signup sheets available for those who are interested in block watch. She stated they received forty signups at the Symposium, nineteen of which were from Union Gap residents; she accredited this number to the fact that the Mayor sent out Symposium flyers before the event. She stated that the other signups included six from the Lower Valley; two from Glead; eight from Selah, and four each for East Valley and West Valley. She also thanked the Union Gap Fire Chief and the Fire Department for their support of the event.

Items from the Audience

Litter Cleanup. Fred Thomson stated while walking his dog along Valley Mall Boulevard he noticed a lot of litter in the field across from Costco. He stated the Department of Ecology uses cleanup crews to pick up litter along highways and asked if Union Gap could utilize their crews. The Mayor informed he has also noticed the litter and has already assigned one seasonal Parks employee to use one-half of his forty-hour shift to pick up litter.

Youth Council. Donald Beddoe, and Erika Lemon thanked everyone who attended the Youth Center Preview on May 1st.

Development of Next Agenda

Youth Council. Council Member Wentz requested discussion of a part-time person to work with the Youth Council to help make the Youth Center functional be added to the agenda.

The Mayor agreed that was a good idea and asked the Treasurer to make sure that it gets put on the next agenda.

Departmental Reports

Mayor Lemon informed the following reports are in the packet and questioned if the Council has any questions of the departments: Building/Mechanical & Plumbing Report – April 2009 and Tourism Promoter Status Report – April 2009.

Communications/ Questions/Comments

Tourism Website. Council Member Butler commended Scott Steinloski, the Tourism Promoter on the good job he has done on the tourism website.

The Mayor stated Scott is doing a good job. He recommended a sign be put on the building to identify the Tourism office.

Adjournment

At 8:00 p.m. Mayor Lemon adjourned the Regular Council meeting to a 15-minute Executive Session to discuss potential litigation/property acquisition. The Mayor, Council Members, City Attorney, and Public Works Director attended the Executive Session.

These minutes dated May 11, 2009 were approved at the Regular Council Meeting of May 26, 2009.

Jim Lemon, Mayor

ATTEST:

Kathryn Thompson, CMC, City Clerk