

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
May 27, 2008

- Call to Order Mayor Lemon called the Regular Meeting of the Union Gap City Council to order at 7:01 p.m.
- Council Members Present Council Members David Butler, Dan Olson (7:02 p.m.), Glenn Bateman, Dan Vanover, Roger Wentz, Dave Matson, and James Murr were present.
- Staff Present Etoy Alford, Jr., Substitute City Attorney; Dennis Henne, Public Works Director; Robert Almeida, Police Chief; Keith Yamane, Fire Chief; William Rathbone, Development Coordinator; Shawn James, Police Officer, Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Joe & Linda Jackson, Nancy Krause, Evonne Goeken, Russ Bohannon, Juanda Krebs, John Hartshorn, Charles Rinker, Scott Clark, Lewis Beddoe, Debbie Matson, Michael & Joshua Murr, Stephanie Korn, Ray Kempf, John Hodkinson, Mary Ann Lockhart, John Cooper, Jack Galloway, Jeff Louman, Todd & Bob Monroe, Brian Winter, Craig Schultz, Aubrey Reeves, Raleigh Heitzman, and others were present.
- Pledge of Allegiance Council Member Bateman led the Pledge of Allegiance.
- Consent Agenda Motion by Council Member Butler, seconded by Council Member Wentz to approve the consent agenda, as follows:
- Approve the Regular Council Meeting Minutes, dated May 12, 2008, as sent out on pages 4792 through 4794 of the Minute Book.
- Approve Claim Voucher Nos. 71815 through 71917 in the amount of \$467,324.85 dated May 27, 2008 and transfer from the operating funds to the Claims Fund.
- Adopt and Publish Ordinance No. 2660, An Ordinance amending the 2008 Budget and authorizing an expenditure of \$1,644 from the Current Expense Fund for emergency medical supplies.
- Adopt and Publish Ordinance No. 2661, An Ordinance amending the 2008 Budget and authorizing an expenditure of \$278,000 from the Street Development Reserve Fund for an expenditure in connection with the Longfibre Road Phase II project.
- Adopt and Publish Ordinance No. 2662, An Ordinance amending the 2008 Budget and authorizing an expenditure of \$23,401.05 from the Water Fund, and \$14,342.58 from the Street Fund for the 2008 debt service payment for the Supporting Investments in Economic Diversification (SIED) Grant for Longfibre Road Phase II.
- Adopt and Publish Ordinance No. 2663, An Ordinance amending the 2008 Budget to authorize the transfer of \$46,072 from the Convention Center Reserve Fund to the Current Expense Fund for expenditures pertaining to the Agricultural Museum and the proposed Union Gap conference center.
- Motion carried unanimously.
- Introduction The Police Chief distributed a K-9 Resume handout and introduced Handler/Officer Shawn James and the department's narcotics canine, Daisy.

* Due to an error in numbering, the above ordinance numbers have been changed to Ordinance Nos. 2560, 2561, 2562, and 2563 respectively.

Officer James explained the training and certifications he and Daisy have and stated Daisy has been on 22 searches with 23 finds. He informed they recently joined the Pacific Northwest Canine Association and Daisy became certified after accomplishing the required 100 percent find with no false alerts. He informed the Washington Administrative Code requires 70 percent with no false alerts.

Public Hearing –
Ahtanum Village, LLC
Development
Agreement

Mayor Lemon announced this is a public hearing to consider oral and written comments regarding the Development Agreement with Ahtanum Village, LLC. He requested that any Council members having a conflict of interest or having had exparte communication disclose that. He then informed that each person testifying would be sworn on oath to tell the truth, and explained the speaking order would be staff, applicant, those in favor, and those opposed to the Development Agreement.

At 7:10 p.m. Mayor Lemon opened the public hearing.

The Development Coordinator explained Ahtanum Village, LLC will need to extend water and sewer from the City at a considerable investment. The Development Agreement is considered the first phase in a long process prior to development. He informed the developer must still circulate a petition for annexation and must have signatures of landowners that represent 60 percent of the assessed valuation. The development is approximately 190 acres and will most likely be zoned R-2 residential and subdivided into about 100 lots. The Development Agreement calls for the developer to avoid building in the floodplain and utilities will be extended from the City at the developer's expense. The best route for the water and sewer lines is the south side of Ahtanum Road, and the developer will be responsible for upsizing the City's sewer after approximately 300 units are hooked up. The developer will pay \$5,000 above the normal infrastructure fees for each hook-up towards paying for the upsizing. The City will buy the water rights if they are determined able to be transferred. He informed one letter was received from the Yakima County Flood Control District and distributed to the Council.

Council Member Matson questioned if the \$5,000 hook-up fee would be paid before or after annexation.

The Development Coordinator stated the \$5,000 hook-up fee is assuming that the area would be annexed and the development completed.

Council Member Matson questioned if additional engineering would be required to raise the houses in the development because of floodplain issues.

The Development Coordinator stated the agreement addresses the floodplain in general by not allowing building in the floodplain. The County Flood Control District is working further west on Ahtanum Creek and new flood maps will be out in October 2008. He informed there have been many discussions regarding this issue, but the discussion will be more suitable when there is actually a plat proposal on the table.

John Hartshorn, South 16th Avenue, questioned where the water rights to be transferred to the City are coming from, and stated 75 percent of the land has never had irrigation water.

Jeff Louman, Huibregtse Louman Associates, stated that 422 acre-feet of water is the maximum quantity that is potentially transferable. He stated there is a water rights engineer working with the developer and he has identified this amount of water.

Raleigh Heitzman, Ahtanum Road, informed he has been in contact with the

Development Coordinator through e-mail and has received answers to several of his questions. He questioned if an Environmental Impact Statement would be completed and informed he has a problem with the easement being on the south side of Ahtanum Road.

Mr. Louman explained the easement on the south side of Ahtanum Road works best because the sewer is by gravity flow and if you go too far, it will not be deep enough to serve the property. He informed the water could go down the front of the homes, but many of the lots have improvements such as landscaping, driveways, etc. that would be disrupted. He also informed it is unknown if the street will also be annexed.

Mr. Heitzman questioned using a pumping station for the sewer.

Mr. Louman informed a pumping station is very expensive to construct, operate, and maintain, and the City of Union Gap would have to maintain it.

Mr. Heitzman informed he has a greenhouse within the proposed 25-foot easement, Kwik Lok gives him free irrigation water, and he does not want those disrupted.

Mr. Louman informed if the 25-foot easement disrupts anything, it will be put back in place. He also informed the easement is necessary for public works maintenance access and fire hydrants will also be installed.

Mr. Heitzman questioned if a traffic light would be installed.

Mr. Louman informed the issue tonight is the Development Agreement, not the actual development, or annexation. He stated the Development Agreement does not assure the developer can develop, it is just setting the groundwork for the large items, and unless annexed the zoning and other decisions will stay with Yakima County.

The Development Coordinator clarified that when the City approves a development with more than eight residential lots, an environmental review that may or may not call for a SEPA review is conducted.

Russ Bohannon, Ahtanum Road, questioned the amount of surface water identified on the property.

Mr. Louman explained the 422 acre-feet of water includes a permit for a ground well further west that has not been drilled yet.

Mr. Bohannon informed he is one of the directors of the Ahtanum Irrigation District and they need to be kept in the loop regarding the irrigation water rights.

Mr. Rinker questioned what the monthly cost for City utilities would be if the area is annexed.

Mr. Louman stated this hearing is not about annexing; this hearing is about the Development Agreement for water and sewer mains to this development, and annexation could follow.

The Development Coordinator explained the developer has submitted a request for annexation, but they will need to obtain signatures from homeowners representing 60 percent of the total assessed value of the area.

Mr. Rinker questioned if the people have to annex if Union Gap signs the Development Agreement.

Mr. Louman informed the City's policy does not require annexation for utilities, but the City may choose not to provide utilities to the development if the area does not annex.

Mr. Rinker questioned how to obtain information showing what 60 percent of the assessed value of the area would be.

Mayor Lemon informed the Development Coordinator can provide that information at a later time.

Mr. Heitzman stated he has an easement on the front side of his property and does not like the idea of an easement in the back because that is where his septic system is. He questioned if he has the option of not annexing and remaining in the County.

The Development Coordinator stated under the petition form of annexation, if enough people sign everyone else will be included in the annexation.

Mr. Heitzman questioned if his septic system failed and the Health Department told him to hook-up to City sewer if he would have to pay the \$5,000 special assessment.

The Public Works Director informed the fee for a house to hook-up to sewer is \$2,157. The installation of a water meter and infrastructure fees is approximately \$3,000.

Mr. Louman explained the City is not promoting this proposal and has not taken a side on this issue; the City has the responsibility to work with developers on proposals within the urban growth area.

Council Member Olson commented this is just a Development Agreement so the developers understand the costs. If the area is annexed there will be another public hearing with more details, this agreement is just saying the City will provide water and sewer if everything else on the development goes through.

At 7:51 p.m. Mayor Lemon closed the public hearing.

Resolution No. 719 –
Ahtanum Village, LLC
Development
Agreement

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 719, A Resolution authorizing the Mayor to sign a Development Agreement with Ahtanum Village, LLC regarding its proposed development project adjacent to the City. Motion carried unanimously.

Resolution No. 720 –
Agreement with
Yakima Youth Soccer
Association

Motion by Council Member Butler, seconded by Council Member Wentz to adopt Resolution No. 720, A Resolution authorizing the Mayor to sign a Facility Use Agreement with Yakima Youth Soccer Association (YYSA) for the use of parts of the Youth Activities Park. Motion carried unanimously.

Resolution No. 721 –
WSU Master Gardeners

Mayor Lemon explained this agreement is for a tour of gardens that will bring visitors to the youth park to see the Master Gardeners program.

Motion by Council Member Vanover, seconded by Council Member Wentz to adopt Resolution No. 721, A Resolution authorizing the Mayor to sign an Agreement with the Washington State University (WSU) of Yakima County Master Gardener Program. Motion carried unanimously.

Presentation by Yakima
County Sheriff's Office
Regarding Fireworks

The Police Chief informed the Yakima County Sheriff's office has requested all area agencies join together to provide assistance with the fireworks situation in the Goodman Road, South 16th Avenue, Meadowbrook area. He then introduced Lt. Brian Winter from the Yakima County Sheriff's office.

Lt. Winter distributed the Yakima County Fireworks Code and Bail Schedule and informed last year on July 4th Sgt. Bob Udell ended up on Meadowbrook in what he termed a war zone. There were people shooting fireworks at each other, debris was flying everywhere, and litter was all over the roadway. He informed it is illegal for non-enrolled people to buy fireworks from the Yakama Nation. The Sheriff's office is proposing a very aggressive education campaign followed by enforcement. He stated they are working with the State Patrol and local police and fire agencies, as well as attorneys from the City and County. He informed fireworks have been illegal in Yakima County, with the exception of a few cities and the Yakama Nation, for 11 years. He stated the emphasis will be on the area south of Ahtanum Road to Meadowbrook and Goodman Road to 62nd Avenue. They are contacting area property owners and asking them to post their property no trespassing and no fireworks; they have large signs made up to tell people that fireworks are illegal unless you are an enrolled Yakama, and they are inviting the Yakama Nation to join the meetings.

Mayor Lemon questioned if the Sheriff's department is requesting Union Gap police department assistance.

Lt. Winter stated yes, they are requesting assistance from Union Gap's police and fire departments.

Council Member Olson questioned if the Sheriff's office has a memorandum of agreement with the tribe.

Lt. Winter stated they are exploring several options, but it is difficult to enforce on the reservation. The easiest option is to enforce when people come off the reservation in possession of fireworks. He stated they are asking the attorneys for their recommendations.

Council Member Olson commented if non-enrolled people are discharging the fireworks the Sheriff's office can enforce that.

Lt. Winter informed they would like a tribal police officer present also.

Congestion Mitigation
Air Quality Grant
Application

Motion by Council Member Vanover, seconded by Council Member Wentz to authorize the Mayor to submit a Congestion Mitigation Air Quality (CMAQ) Grant Application for a total of \$264,695.00, which includes a 13.5% City match, to provide for the hard surfacing of the City's gravel alleys. Motion carried unanimously.

Council Member Olson commented the expenditure is already included in the vouchers.

The Public Works Director stated that is a different application, but staff has been working on this application because it is due tomorrow.

Ordinance No. 2664
2564 - Request to use
Former Senior Center as
a Youth Center and
Request for a Sign for
the Building

Mayor Lemon informed the Youth Council brought this request to the last Council meeting.

Council Member Vanover questioned if adult supervision has been worked out.

Council Member Matson commented he thought the request was to use the Senior Center at Ahtanum Youth Park.

Council Member Olson stated they are taking baby steps because this is a learning experience for the youth. He stated the Mayor gave him permission to buy the sign, but he wanted Council approval first. He also informed they will come back to Council with hours of operation and plans for supervision, because there was no point making plans if the Council said no to using the building.

Council Member Butler questioned how this will work when the building is used for meetings.

Council Member Olson informed they are discussing Saturdays and weekdays from 4:00 to 7:00 p.m., but they will be flexible.

Council Member Wentz commented he would like supervision to come from volunteers, not staff members.

Council Member Olson stated they will use volunteers only.

Council Member Matson suggested the current senior center would be a better location because there is more room and free supervision.

Council Member Olson stated they are starting small and will work through the process.

Mayor Lemon commented the Learning Tree has requested to use the building, and questioned if the Council members read that request. He also informed the Library committee uses the building once a month.

The City Clerk informed there is a calendar in the front office and some meetings have been pre-scheduled to use the building. She stated she will go over those with Council Member Olson.

Council Member Olson commented the only thing that might become an issue is meeting space if the youth have a pool table.

Motion by Council Member Vanover, seconded by Council Member Olson to adopt and publish Ordinance No. ~~2664~~ 2564, An Ordinance of the City of Union Gap providing that the former Senior Center be used in part for the Union Gap youth; and authorizing an expenditure for a sign for the building. Motion carried unanimously.

Items from the Audience

Use of Former Senior Center. Evonne Goeken, Union Gap Friends of the Library, stated they meet in the former senior center the 3rd Tuesday of each month for craft night and they have a book sale twice a year on Saturday in the former senior center. She stated they have outgrown the Library and this is convenient and a nice place for their group to meet.

Council Member Wentz suggested the youth help with the book sale.

Citizens For Future of Union Gap. Jack Galloway informed he drives the float to parades and is concerned because whatever was budgeted for the float has been exhausted.

The City Treasurer informed there were a couple of unexpected repairs to the float and the City has made two line item budget transfers for \$500 each to cover the expenses.

Graffiti. Ray Kempf stated the City has put him out of a job because he no longer has to clean up graffiti at Loudon Park. He thanked the Mayor and Council and stated the new atmosphere is encouraging.

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 – April 2008; Police Department Status Report – April 2008; Fire Department Status Report – April 2008; Treasurer’s Report – February 2008; and

New Businesses Report – April/May 2008.

Development of Agenda
for June 9, 2008

Dogs. Mayor Lemon informed Steve Simon called and reported a pack of dogs attacked and killed several of his goats and llamas. Mr. Simon would like the Council to pass a leash law.

Council Member Olson informed the leash law is covered under dogs at large and read the dogs at large section of the Union Gap Municipal Code.

The Police Chief informed the police department took care of the problem, and agreed the leash law is covered in the definitions under dogs at large. He stated he could understand if the dogs had been out with their owner and running loose, but these dogs are unlicensed and the owner is unknown. He stated every precaution was taken, including notification to nearby businesses and residents.

The animal control officer attempted to impound the dogs, but when that was unsuccessful the police department dispatched the dogs. He informed the pack of dogs killed approximately 18 animals.

Council Member Olson commented the only way to track dogs back to their owners is to place chips in the dogs.

Council Member Wentz commented the Council can't pass law after law to protect everything, and it sounds like the laws are in place and are working.

The Police Chief stated we have the laws on the books and the enforcement tools and he believes this is enforceable.

Mayor Lemon polled the Council to see if they wished to place a leash law ordinance on the next Council agenda. The Council voted unanimously not to place a leash law ordinance on the agenda.

Communications/
Questions/Comments

Treasurer's Report. Council Member Olson stated he would like to see revenue comparisons to last year in the monthly treasurer's report, and would like more current reports, especially for sales tax.

Mayor Lemon informed Council Member Olson is on the Finance Committee and can call a committee meeting anytime to discuss finance issues.

Transit. Council Member Olson reported the transit proposals were opened and read in an open meeting with two Council members, the Mayor, Public Works Director, and City Clerk present. The transit committee reviewed the proposals, met, and determined to interview most of the companies on Monday.

Council Member Wentz stated it would be nice to include a citizen on the interview committee, and suggested Nancy Krause.

It was the consensus of the Council to include Nancy Krause on the transit interview committee.

Mayor Lemon clarified that committee meetings are open to the public; they are not closed meetings. He informed he saw a Yakima meeting on YPAC and Yakima said Union Gap had held an Executive Session to review the transit proposals, but Union Gap did not hold an Executive Session.

Adjournment

At 8:46 p.m., Mayor Lemon adjourned the Regular Council meeting.

These minutes dated May 27, 2008 were approved at the Regular Council Meeting of June 9, 2008.

Jim Lemon, Mayor

ATTEST:

Kathryn Thompson, CMC, City Clerk