

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
October 12, 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, 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; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Phil Trotter, Bill & Carla Woolen, Randy & Larry Lane, Jan Alvord, Kathy Lundberg, Jacob Heilman, Ryan Croffut, Joseph Vanicek, Chad Lenz, Michael, Joshua & Stephanie Murr, Juanda Krebs, Chris Martinez, Stace McKinley, Jason Hatfield, Angela Levno, Erick Delp, Reno Edwards, Kip Kendrick, Sylvia Sanchez, Eric Turley, Larry Worden, Hector Rivera, Marilyn Norton, Jo Collier, Wayne Johnson, Erin Snelgrove, Greg Cobb, Joe Walsh, Debbie Matson, Ray Kempf, Betty Boyd, Scott Steinloski, John Cooper, Kirsten Danielson, Pete Williams, and others were present.
- Pledge of Allegiance Council Member Matson 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 September 28, 2009, as sent out on pages 4977 through 4982 of the Minute Book.
- Approve Claim Voucher Nos. 75582 through 75620, in the amount of \$265,692.11 dated September 30, 2009 and transfer from the operating funds to the Claims Fund.
- Approve Payroll Voucher Nos. 32904 through 32981, in the amount of \$160,354.51 dated September 30, 2009 and transfer from the operating funds to the Payroll Fund. Voucher No. 32678 was voided and replaced with Voucher No. 32905 in the amount of \$62.00.
- Approve Claim Voucher Nos. 75621 through 75704, in the amount of \$324,807.98 dated October 12, 2009 and transfer from the operating funds to the Claims Fund.
- Adopt Resolution No. 825 – A Resolution modifying the makeup of the Lodging Tax Advisory Committee to include two members of representative businesses required to collect the tax, two members who are involved in activities authorized to be funded by the tax, and one City elected official.
- Approve Proclamation designating October 5th Gary Puckett Day.
- Motion carried unanimously.
- Resolution No. 824 – In Memory of Council Member Glenn C. Bateman Motion by Council Member Wentz, seconded by Council Member Olson to adopt Resolution No. 824, A Resolution in memory of Glenn C. Bateman. Motion carried unanimously.
- The Council then held a moment of silence in honor of Council Member Bateman.

Ordinance No. 2642 –
Regarding Eliminating
Certain Positions from
the City’s Workforce

Mayor Lemon moved Ordinance No. 2642 regarding eliminating certain positions from the City’s workforce to be next on the agenda.

Ray Kempf, Civil Service Chairman stated he and Civil Service Commissioner Betty Boyd, who is also present, had an Executive Session meeting today to study the proposed ordinance that eliminates three civil service positions. He questioned if the ordinance as presented will result in the positions automatically being removed from the civil service rules.

The City Attorney stated the proposed ordinance would eliminate the positions so the Civil Service Commission would no longer be testing for these positions.

Mr. Kempf questioned if these positions should be layoffs.

The City Attorney informed there is a distinction between layoff and elimination and these positions are all being de-funded so they are eliminated and do not remain in the civil service rules.

Mr. Kempf questioned if the Council is ordering the commission to eliminate the positions.

The City Attorney stated yes, if the ordinance passes.

Mr. Kempf informed the commission is charged with the responsibility of overseeing the civil service positions and must be advised of how the duties of these three positions will be accomplished if the positions are eliminated.

Phil Trotter stated the last one hired should be the first one fired, it has been that way everywhere he has worked and it is only fair. He stated to ask someone to give 10 or 20 years and then let them go is not fair and it does not make sense economically to start with the most experienced people.

Kip Kendrick, Municipal Court Judge, stated that titles can be misleading, but these people are critical to the operations of these departments. He stated he does not know how the court would function without the legal assistant; she not only gets the prosecutor’s files ready for court, but she knows the computer systems and has the legal background necessary. He informed this individual is also bilingual and serves as an interpreter throughout the city several times a day.

The Community Service Officer is the transport officer for prisoners, provides security for court, and also does code enforcement for the City. He stated he does not envy the Council’s position, but asks that they seriously reconsider eliminating these positions.

Jason Hatfield, Community Service Officer, questioned from a budgetary aspect how the four individuals were chosen. He stated Carla Woolen is just shy of 28 years, Jo Collier 14 years, Sylvia Sanchez 13 years, and he has 2 years with 9 years as a reserve officer for the City. He questioned why the Mayor picked these random individuals that pertain to the legal side of the court system and the fire department.

Mayor Lemon informed the four positions were not fully picked by him, and he did not pick the Community Service Officer. He stated he knows Mr. Hatfield does a good job and he does not like having to figure out how to cover the work. He stated his preference is to keep the workers rather than the administration overseeing the work. He informed some of these people have bumping privileges and they need to talk to their unions if this ordinance passes.

Mr. Hatfield informed the new finance tech’s salary tops out to about his current salary so that position should be considered. He stated he took over code enforcement when the previous code enforcement officer retired, and questioned

who is going to field all the phone calls if there is no code enforcement officer in the city.

Mayor Lemon clarified Mr. Hatfield took over a portion of the previous code enforcement officer's duties.

Mr. Hatfield informed he provides transports and security for court in the mornings and performs code enforcement in the afternoons, as well as assisting with arrests from other court dockets. He questioned who is going to conduct transports and court security, one of the two or three officers on the street, the School Resource Officer, or will the detectives be paid overtime to handle court.

Mayor Lemon requested the City Treasurer provide an update on the shortfall.

The City Treasurer reported the shortfall is now 10.61 percent which is \$695,755, and the projected ending fund balance for 2009 is \$750,000.

Mayor Lemon explained the City might end the year with \$50,000 as an ending fund balance.

Mr. Hatfield then read from the 2009 budget message found on the City's website. He stated the Council needs to try to get through this year and then if there is not enough money for 2010 the employees could understand. He stated the city had \$27 million in state and federal grants and only uses \$6 or \$7 million for the operating budget.

Mayor Lemon stated he wishes the city could use a lot of the restricted money for the general fund, but it cannot legally be used. He informed he is proposing using the 124 fund next year to minimize the deficit and not have to lose more people.

Mr. Hatfield stated to pick and choose who gets cut, not based on tenure, is a slap in the face. He stated he knows he is low man at the police department, but this city needs a code enforcement officer and questioned what the Council is going to tell businesses like Costco, Macy's, etc. when they need code enforcement. He stated this is a very productive and enticing city with the best roadway in the county, but it will not be enticing with no code enforcement. He also questioned why he had to hear about losing his job from his wife who heard it from their day care provider who read it in the newspaper.

Mayor Lemon questioned if Mr. Hatfield has received official notice of losing his job.

Mr. Hatfield stated no.

Mayor Lemon stated then you have not lost your job.

The City Attorney informed the Mayor was proposing an ordinance to the Council and no position is eliminated unless the ordinance is adopted.

Mayor Lemon informed he has no authority to discuss position elimination with a union employee.

The Police Chief stated when he and the Mayor talked, the Mayor informed him the information had been given to the newspaper, but the Mayor hesitated to inform the employees because of the union.

Mr. Hatfield stated he appreciates that the Mayor and Council do not want to eliminate positions, but that they feel they have to. He stated they were elected on trust to oversee the employees and to provide for the citizens' best interests with regard to the community, and he just hopes the citizens will have the Mayor and Council's best interests in mind in the future.

Mayor Lemon informed they were also elected to watch the budget on behalf of the citizens.

Mr. Hatfield stated the eliminated positions pertain to police, fire, and the legal system and he hopes citizens will let the Mayor and Council know this is not in their best interests.

Mayor Lemon informed city government is not allowed to go into deficit spending.

Chris Martinez, former police officer, informed he was laid off August 31st. He stated he has moved on and is not here about him, he is here for these four potential employees. He informed the Mayor and Council were elected because people believed they would make the community better. He stated these are hard times for everyone, but public safety should be the last employees to go, there are other employees doing things that are not involved with public safety and they should go first. He encouraged the Council not to pass the ordinance until they go back and look at the seniority list because it appears they are targeting public safety. He stated he can't speak to what the other city employees do, but these four positions are integral to public safety, and questioned why not cut graffiti removal and litter control. He stated seniority should mean something, but it appears that 28 years means nothing; the Council should be making cuts starting at the bottom of the list; and questioned why keep the janitor. He informed he lost his job because he was at the bottom and he is not griping, life goes on, but he does not believe the Council has the best interests of the City in mind because police and fire need to be the last place cut and the administrative secretaries and legal secretary are what keeps public safety running. He then questioned why public safety is being considered first and why the cuts are not coming from the bottom.

Mayor Lemon informed he wants to keep officers on, it was unfortunate that the School Resource Officer was cut from Stanton School, but Yakima School District is having budget issues also and that is the reason Officer Martinez was cut. He informed it is up to the Council to decide if these are legitimate cuts to make. He informed his primary focus is to keep police officers and fire fighters.

Wayne Johnson, Teamster Representative, questioned why these are eliminations instead of layoffs and informed elimination takes them out permanently and layoff means they could be brought back if the money is restored.

Mayor Lemon informed elimination is recognizing the less significance or importance of the positions and questioned what is more important having a police officer on the street or having an administrative assistant in the police department. He informed there have been discussions about which positions it would be better to eliminate and which positions would be better laid off.

Mr. Johnson stated with layoffs it would be last hired is the first to go and the employees could be brought back if funding was restored. He questioned if the city has done job studies to see how this will affect the other positions in the city, and questioned how much the city expects to save by eliminating these positions.

Mayor Lemon stated the city has not done job studies to see how this will affect other positions.

The City Treasurer informed the cost savings by eliminating these positions will be \$270,302 in 2010.

Mr. Johnson questioned why the city has not come to the unions with this deficit

to see if the union and city could work together to try to eliminate cuts.

Mayor Lemon informed the city has hired Kevin Wesley to do union negotiations and advised Mr. Johnson to ask Mr. Wesley about that.

Mr. Johnson requested the Council not pass this ordinance until the unions can see if there are other ways to save the needed money.

Pete Williams, former resident and tax payer, informed these are important positions. He stated no offense to the chief, but Carla runs the police department and has been there through several chiefs. He stated the Council needs to cut from the bottom up, not start at the top and not cut in public safety.

Motion by Council Member Vanover, seconded by Council Member Murr to table this ordinance until the Council can meet with Kevin Wesley to get some answers and see if the unions have suggestions to help. Motion carried unanimously.

Mayor Lemon informed he will see if Mr. Wesley is available to attend an Executive Session.

Ordinance No. 2631 –
Amending Municipal
Code – Flood Hazard
Protection

The Development Coordinator informed his memorandum in the packet answers the questions raised at the last Council meeting regarding the flood hazard protection ordinance.

Council Member Vanover questioned if the Home Builders Association has reviewed the proposed ordinances.

Joe Walsh, Government Affairs Director for the Central Washington Home Builders Association, stated there is not a lot of new home construction in Union Gap, but there may be in the future. He distributed a handout and reviewed the concerns with the proposed ordinance and informed the International Building Code and the Federal Emergency Management Agency have established standards and to adopt the alternate ordinance, the city would be more restrictive than City of Yakima and these other agencies.

The Development Coordinator informed the original basic ordinance does not include the higher flood elevation and addresses the concerns of the Home Builders Association. He also advised he would prepare a table showing the difference in flood insurance rates for the public.

After discussion, motion by Council Member Olson, seconded by Council Member Wentz to adopt and publish the least restrictive original Ordinance No. 2631, An Ordinance amending Chapter 14.28 of the Union Gap Municipal Code as it pertains to Flood Hazard Protection. Motion carried unanimously.

Ordinance No. 2641 –
Amending the 2009
Budget – Payment
Authorization and Fund
Transfer for the City
Municipal Court's Jail
Costs

Kip Kendrick, Municipal Court Judge, informed he had no say over what was budgeted for jail costs for this year since the jail costs were transferred to his budget, but it was not enough money. He stated he met with the Mayor and City Attorney regarding the costs and is doing what can reasonably be done to keep the costs down. He informed several months ago the court started turning most of the Driving While License Suspended 3rd tickets into infractions. He stated a large percentage of the costs are coming from people who do not show up in court and then are arrested and booked on a warrant, and the court can charge a booking fee of \$50 or \$72.50 depending on which jail they are booked into. He informed they are also instituting a \$10 fee per case for people who go on time payments instead of paying in full.

Council Member Wentz questioned if people are being sent to collection sooner

now.

Judge Kendrick informed the collection agency is handling the time payments so the company monitors when the people fall behind and sends the bills to the collection branch.

Mayor Lemon informed this year's ticket revenue will probably double last year's revenue.

Motion by Council Member Vanover, seconded by Council Member Olson to adopt and publish Ordinance No. 2641, An Ordinance regarding payment authorization and fund transfer for the City Municipal Court's jail costs. Motion carried unanimously.

Council Member
Vanover Excused

Council Member Vanover was excused from the meeting at 8:20 p.m. to report for work.

Proposed 2010 Lodging
Tax Fund Budget

Scott Steinloski, Tourism Promoter, informed the Lodging Tax Committee met on September 29th and reviewed this budget. He informed it was the second meeting with no quorum so they went ahead and spent 2 ½ hours on the budget. He informed the committee cut \$89,000 out of his proposed budget and asked if the Council had any questions regarding the budget.

Motion by Council Member Butler, seconded by Council Member Wentz to approve the proposed 2010 Lodging Tax Fund Budget, as recommended by the Lodging Tax Advisory Committee.

The Public Works Director informed there is one item of potential concern in the budget. He stated the public works department does not have a problem with the Agricultural Museum requests, but the funding partner Interagency Committee for Outdoor Recreation (IAC), which is now Washington State Recreation & Conservation Office (ROC), may have a problem with the requests because the ROC does not see the museum as a separate entity from the city and they have stipulations on some of the activities at the museum. He informed the facility is a city facility and it may be necessary to amend some of the agreements.

The City Attorney informed he was not familiar with this situation, but he would meet with the Public Works Director regarding this issue. He informed if the Council wishes they can approve the budget and amend it later.

Mayor Lemon called for a vote on the motion by Council Member Butler, seconded by Council Member Wentz to approve the proposed 2010 Lodging Tax Fund Budget, as recommended by the Lodging Tax Advisory Committee. Motion failed by not having a super majority vote in favor: Council Members Butler, Wentz, and Murr voting in favor. Council Members Olson and Matson voting no. Council Member Vanover absent.

Yakima Valley Visitors
& Convention Bureau
2009 Annual Report

The City Attorney explained that budgetary items must have the vote of a super majority of the Council in order to pass.

John Cooper, President & Chief Executive Officer of the Yakima Valley Visitors & Convention Bureau, stated he knows the city is facing a tight budget and informed their focus is on tourism and they help generate new sales tax money for the city by bringing events to the area. He asked if the Council had any questions regarding their report.

Resolution No. 826 –
2010 Agreement with
Yakima Valley Visitors

Council Member Wentz commented it is a nice report.

Mayor Lemon stated this resolution authorizes the 2010 agreement with the

& Convention Bureau Yakima Valley Visitors & Convention Bureau.

Council Member Wentz commented the agreement was reduced by \$5,000 and is for one year.

Motion by Council Member Wentz, seconded by Council Member Murr to adopt Resolution No. 826, A Resolution authorizing the execution by the Mayor of the attached Agreement for calendar year 2010 with the Yakima Valley Visitors & Convention Bureau, commencing January 1, 2010. Motion carried unanimously. Council Member Vanover absent.

Items from the Audience

There was no one present wishing to speak.

Develop Agenda for Oct. 26, 2009 Council Meeting

Budget Cuts. Council Member Wentz requested the unions meet with Kevin Wesley and give proposals of what can be done to save money in the budget.

Mayor Lemon informed he has cut the budget really tight, he has no problem with cutting the Council travel, but otherwise the budget is really tight.

The City Treasurer informed the city has to be realistic with expenditures as well as revenues. She stated any additional cuts would be good, but they will not make up for the shortfall we have.

Council Member Wentz questioned if the budget transfer tonight from the City Hall Reserve Fund depletes the fund.

The City Treasurer stated we transferred \$150,000 and the fund had \$155,000.

Mayor Lemon informed at some point next year we will exceed the revenues and we cannot use Valley Mall Boulevard money to keep jobs so the Council is going to have to look at borrowing money and paying it back with interest. He stated this is just the preliminary budget, but we need answers and the Council needs to be working together to find the answers.

Council Member Wentz questioned what it would take to keep these positions this year and not lay anyone off.

Mayor Lemon stated keeping the positions this year will make an additional shortfall next year.

Council Member Wentz stated if layoffs need to occur at the beginning of next year then the Council will have to lay people off. He questioned if the department heads could be directed to find ways to cut their budgets and commented the Council is not trying to just cut public safety, but they have been working on this for months.

Council Member Olson suggested including everyone to come up with solutions.

Council Member Wentz commented this is not a surprise, he has been squawking about the budget since June.

Mayor Lemon commented police and fire take a lot of the general fund money.

Council Member Wentz requested proposals to cut this year's budget and next year's budget be presented.

Mayor Lemon requested the City Treasurer provide copies of the preliminary budget to the department directors, and reminded the Council there are contract issues requiring 3 fire fighters per shift.

The Fire Chief informed the National Fire Safety Standards and the current union contract call for minimum staffing of 3 fire fighters. He stated the city has the option of declaring a lower level of staffing at a higher safety risk. He informed they use volunteers for weekend and evening shifts. He stated the Council needs to decide the level of service the city is going to provide and if there are no funds, they go to 2 person staffing, etc.

Mayor Lemon commented that is against the union contract.

The Fire Chief stated the city would have to go through the Public Employment Relations Commission with an unfair labor practice, and reduced staffing would affect insurance ratings.

Council Member Wentz questioned how often the insurance rating is reviewed.

The Fire Chief stated every five years unless the city paid to have another rating sooner, and we are due for our rating in 2010. He stated another option is to form a Regional Fire Authority, but that would be 18 months to 2 years away. He informed he is still discussing the possibility with City of Yakima, but Yakima is waiting until the election is over and District 11 is waiting for Yakima. He informed the city could also look at a contract with Yakima, which would be a band-aid approach, but would save the city a ¼ to ½ million dollars.

Mayor Lemon questioned if the level of service would diminish significantly if the city contracted with Yakima.

The Fire Chief stated it would be slightly reduced if an engine had to come from Yakima because it takes a little longer to get here. He stated call back and overtime pay would have to be worked out between the two unions. He also commented our dependence on volunteers is highly important and they are dwindling. He stated it is likely we will lose 2 to 3 more of our volunteers and the costs of doing an academy to gain 2 to 3 volunteers is \$20,000 to \$30,000, which is not good economics. He informed the Fire Department Administrative Assistant is an essential function of the department and he has some alternatives ready to propose.

Council Member Wentz stated the Council needs some real commitments and answers because they have been saying since June that there would be cuts.

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 – September 2009; Tourism Promoter Status Report – September 2009; and Treasurer’s Report – July 2009.

The Public Works Director reported the city received a \$700,000 grant for water and sewer in Valley Mall Boulevard Phase IV, which will be used to upsize a 6-inch main.

Mayor Lemon commented the dewatering was over budget, but this grant and another grant the city received have made up for that expenditure.

Communications/
Questions/Comments

There were no communications/questions/comments.

Adjournment

At 8:58 p.m., Mayor Lemon adjourned the Regular Council meeting.

These minutes dated October 12, 2009 were approved at the Regular Council Meeting of October 26, 2009.

Jim Lemon, Mayor

ATTEST:

Kathryn Thompson, CMC, City Clerk