

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
October 13, 2008

- 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, Dave Matson, and James Murr were present.
- Staff Present Robert Noe, City Attorney; Dennis Henne, Public Works Director; Bill Steele, Fire Chief; Robert Almeida, Police Chief; Tim Whitehurst, Fire Captain; Sherrie Testerman, Executive Assistant; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Stephanie Korn, Michael & Joshua Murr, Dawn & Erika Lemon, Marilynne Kendrick, Jo Collier, Joe & Linda Jackson, Debbie Matson, Chad Lenz, Kirsten Danielson, Phil Salzman, Jeff Louman, Celia & Randy Butterfield, Sylvia Sanchez, Melonee Moser, Kip Kendrick, and others were present.
- Pledge of Allegiance Tim Whitehurst led the Pledge of Allegiance.
- Special Award Presentations Mayor Lemon presented a certificate to Sherrie Testerman, Executive Assistant, for 20 years of service to the City, and stated Sherrie does a good job and really cares about the residents of the City.
- Ms Testerman thanked the Mayor and Council, staff, and residents of the community.
- Mayor Lemon then presented a certificate to the Police Chief for Police Sergeant Greg Cobb for 10 years of service to the City, and presented a certificate to Phil Salzman recognizing his 5 plus years of service on the Civil Service Commission.
- Consent Agenda Motion by Council Member Vanover, seconded by Council Member Bateman to approve the consent agenda, as follows:
- Approve the Study Session Council Meeting Minutes, dated September 22, 2008, as sent out on pages 4840 and 4841 of the Minute Book.
- Approve the Regular Council Meeting Minutes, dated September 22, 2008, as sent out on pages 4842 through 4844 of the Minute Book.
- Approve Claim Voucher Nos. 72816 through 72850 in the amount of \$270,010.06 dated September 30, 2008 and transfer from the operating funds to the Claims Fund.
- Approve Payroll Voucher Nos. 31966 through 32044 in the amount of \$160,361.70, dated September 30, 2008 and transfer from the operating funds to the Payroll Fund.
- Approve Claim Voucher Nos. 72851 through 72953, in the amount of \$283,810.19 dated October 13, 2008 and transfer from the operating funds to the Claims Fund.
- Adopt and publish Ordinance No. 2588, An Ordinance authorizing immediate payment upon receipt of invoices from T.C. Transportation Services LLC for transit service provided under the Contract between the City of Union Gap and T.C. Transportation Services LLC to ensure that the City can avail itself of the 2% discount for rapid payment provided for within that Contract.
- Adopt and publish Ordinance No. 2589, An Ordinance authorizing pre-payment to the State Auditor for copies of BARS Manuals.

Adopt Resolution No. 737, A Resolution modifying the makeup of the Lodging Tax Advisory Committee to include three members of representative businesses required to collect the tax, three members who are involved in activities authorized to be funded by the tax, and one City elected official.

Authorize renewal of membership dues to National League of Cities in the amount of \$1,074.00 for 2009.

Motion carried unanimously. Council Member Wentz absent.

Resolution No. 738 –
Ratifying 2007
Memorandum of
Understanding with
Union Gap Police
Officer’s Association
Regarding Community
Service Officer

Mayor Lemon informed this resolution ratifies a 2007 Memorandum of Understanding that was not properly executed.

Council Member Vanover commented this is just housekeeping because the Council has previously dealt with this position.

Motion by Council Member Vanover, seconded by Council Member Butler to adopt Resolution No. 738, A Resolution ratifying a 2007 Memorandum of Understanding with the Union Gap Police Officer’s Association regarding Community Service Officer.

Council Member Olson questioned when the Council dealt with this position.

Council Member Vanover stated when the Council approved the union contract with the Police Officer’s Association.

Council Member Olson stated the Council never saw the contract until after it was approved and it bothers him to ratify something that was done illegally.

Mayor Lemon informed there is currently an employee in this position.

After discussion, Mayor Lemon called for a vote on the motion to adopt Resolution No. 738, A Resolution ratifying a 2007 Memorandum of Understanding with the Union Gap Police Officer’s Association regarding Community Service Officer. Motion carried: Council Members Butler, Bateman, Vanover, Matson, and Murr voting in favor; Council Member Olson voting no; Council Member Wentz absent.

Resolution No. 739 –
Authorizing Memo. of
Understanding with
IAFF Union Local 3680
for a Temp. Change of
Fire Capt. Shift Work

Motion by Council Member Vanover, seconded by Council Member Butler to adopt Resolution No. 739, 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 Captains shift work to eight 24-hour shifts in a 24-day Fair Labor Standards Act (FLSA) period for a 3-month trial period. Motion carried unanimously; Council Member Wentz absent.

Council Member Olson questioned if the legal department has gone over their budget.

Ordinance No. 2590 –
Amending the 2008
Budget for the City’s
Legal Department

The City Attorney informed the budget has not been exceeded yet, but the Mayor told the Department Heads to make sure they did not go over their budgets unless approval was obtained from the City Council. He informed he tried to estimate the cost for the public defender, and even though he added 17 percent to the 2007 figures, the costs have escalated. He informed the City Attorney and Prosecutor are paid a flat fee, but the public defender is paid per case and the caseload has increased.

Council Member Vanover questioned if the insurance was an oversight.

The City Attorney stated, yes, each department pays a portion of the Washington Cities Insurance Authority premium and nothing was included in the legal budget for the insurance.

Motion by Council Member Vanover, seconded by Council Member Olson to adopt and publish Ordinance No. 2590, An Ordinance amending the 2008 Budget for the City's Legal Department. Motion carried unanimously; Council Member Wentz absent.

Council Member Vanover commented this ordinance just finishes the creation of the Community Service Officer position paperwork.

Ordinance No. 2591 –
Creating the Position of
Community Service
Officer, Retroactively
Appointing Jason
Hatfield to the Position,
and Setting the Salary
for the Position

Motion by Council Member Vanover, seconded by Council Member Murr to adopt and publish Ordinance No. 2591, An Ordinance creating the position of Community Service Officer, retroactively appointing Jason Hatfield to the position of Community Service Officer, and setting the salary for the position. Motion carried: Council Members Butler, Vanover, Matson, and Murr voting in favor; Council Members Olson and Bateman voting no; Council Member Wentz absent.

Ordinance No. 2592 –
Amending 2008 Budget
for the Police
Department

Mayor Lemon informed this money will be reimbursed by a grant that allows modification of an older City vehicle for school zone enforcement and is needed to help slow down traffic in school zones.

Motion by Council Member Butler, seconded by Council Member Vanover to adopt and publish Ordinance No. 2592, An Ordinance amending the 2008 Budget for the Police Department. Motion carried unanimously; Council Member Wentz absent.

Council Member Matson questioned who obtained the grant.

The Police Chief informed the grant was negotiated with the Traffic Safety Commission.

Expenditure Request –
Recom. from the
Lodging Tax Advisory
Committee to authorize
re-advertising for
Tourism Promotion
position & to authorize
payment of candidates
interview travel costs

Council Member Butler informed there were quite a few applications for the Tourism Promotion position, but most of them declined the position or have moved on. He stated there is one local applicant coming in tomorrow at 9:30 a.m. and if she works out, this expenditure may not be necessary.

Motion by Council Member Vanover, seconded by Council Member Olson to table this item to the next Council meeting, if the expenditure is deemed necessary. Motion carried unanimously; Council Member Wentz absent.

Scheduling Budget
Workshops

Mayor Lemon questioned if the Council would like to schedule some budget workshops or review the budget with a Council Committee.

After discussion, it was the consensus of the Council to schedule a budget workshop during the October 27th study session at 6:00 p.m.

Expenditure Request –
CDBG Application for
a study of the So.
Broadway Area Utilities

Mayor Lemon informed this expenditure request is to obtain a grant to help study the South Broadway area water and sewer needs.

Council Member Vanover questioned who would do the work.

The Public Works Director stated there have been discussions between himself, Council Member Olson, and Jeff Louman on this issue, and Mr. Louman is ready to move ahead.

Jeff Louman, Huibregtse Louman Associates (HLA), informed the City will apply with Community Trade and Economic Development for a Community Development Block Grant, which is federal money. He stated the general applications are due by November 20th for a construction project, but it is premature for the City to apply for that. There are also \$24,000 planning grants, and that is what the City will be applying for. He informed \$10,000 is the cost for a full grant

of \$100,000, which will only be a fraction of what it will cost to bring water and sewer to this area. He stated his firm will write the grant, and the plan will be for the City to use a blend of funding, project phasing, etc.

Motion by Council Member Vanover, seconded by Council Member Olson to authorize an expenditure of up to \$10,000 from the Contingency Fund for a Community Development Block Grant application for a study of the South Broadway area water and sewer issues. Motion carried unanimously; Council Member Wentz absent.

Items from the Audience

Municipal Court. Kip Kendrick, Municipal Court Judge, informed the Council was given a memorandum prior to the meeting. He explained that what prompted the memorandum was the Council committee discussions regarding closing the court. He stated that door has now closed and the court is to remain open, but the fallout from those discussions is that the Court Clerk has been offered a job elsewhere. He stated she would rather stay here, but is concerned about the job. The other issue is that the only qualified deputy clerk applicant was Tina Chapman and the City probably could have gotten her at step 1, but she is no longer willing to work at step 1. He stated the position is funded under the police department budget, and the budget allows for step 5. He stated if he cannot bring Tina in at a higher step, he won't have either clerk. He also informed they hired a temp from a temp agency and the City is paying the agency \$18.00 an hour and that is about what Tina would be paid at the higher step.

Mayor Lemon informed he is hesitant to discuss this because it might lead to discussing personnel issues.

The City Attorney stated it is okay to discuss as long as the Judge is recapping the memorandum.

Judge Kendrick stated the Court Clerk needs assurance that the court will remain open for at least 2 years and she needs a competent Deputy Clerk to turn the court around. He informed a person was arrested today on a warrant that was supposed to be recalled a year ago January, and that will continue to happen if the court does not have competent people.

Council Member Matson commented he is in favor of giving the court 2 years to turn around, looking at this issue again, and keeping the court if it works out.

Mayor Lemon informed Yakima County has said it would be at least 2 years before they would be willing to add another judge and consider taking our cases.

Council Member Butler commented he is in favor of keeping our court, as long as it is self-sufficient.

Jo Collier, Union Representative, stated she appreciates Council Members Matson and Butler's comments. She stated it is important to have well qualified people running our court, and there needs to be two competent clerks that work together so one can be in the office taking payments while the other one is in court with the judge. She stated with one clerk some people come from out of the area and are not able to pay because the court office is closed.

Melonee Moser, Court Clerk, stated she has the experience to turn the court around, but the court can only be up and running if she has someone to help her that knows what they are doing. She informed she cannot run the court and train someone because of the huge caseload they are handling. She commented she loves her job and wants to move forward.

Celia Butterfield, Court Interpreter, informed she has been with the Union Gap court since it opened and has worked with all the previous judges. She stated the

current Judge and Court Clerk are very competent and need to be given a chance. She stated if the Council sees something they want changed, they need to tell them and give them a chance to make the changes.

Mayor Lemon pointed out the previous Court Clerk has only been gone 13 days.

Council Member Matson stated the Council needs to decide if they are going to support the court or not.

Council Member Butler stated at this point the Council has to support it.

Council Member Vanover commented the Council needs to move forward if closing the Court is not an option.

Mayor Lemon informed the Judge knows the court will remain for at least 2 years, but if the Council wants to write something supporting the court they can.

Council Member Vanover suggested the Council bring the Deputy Court Clerk issue back for consideration.

Council Member Matson questioned if Ms Chapman would start at step 3.

Judge Kendrick stated he needs to be able to offer her at least step 4.

The City Clerk informed if the Council wishes to reconsider the Deputy Court Clerk issue, there needs to be a motion and a second from the prevailing side, which was Council members Olson, Bateman, Wentz, and Matson.

Motion by Council Member Olson, seconded by Council Member Bateman to add consideration of Deputy Court Clerk position to the agenda. Motion carried unanimously; Council Member Wentz absent.

Motion by Council Member Olson, seconded by Council Member Bateman to allow the Judge to offer Christina Chapman the Deputy Court Clerk position at step 4. Motion carried unanimously; Council Member Wentz absent.

Council Member Olson suggested a letter be sent to Melonee Moser from the Mayor assuring her, that barring any unforeseen issues, she will continue in her position for a minimum of 2 years so she has a security blanket.

Mayor Lemon reminded the Council this discussion is about keeping the court for at least 2 years; it is not about an individual employee.

Mayor Lemon informed the next agenda will include a study session for the budget.

Council Member Butler requested the expenditure request from the Lodging Tax Advisory Committee be placed on the agenda, if necessary.

Council Member Olson requested an ordinance on the water meter issue that has been discussed in the past.

The City Attorney informed he will prepare a new water meter ordinance in light of a couple of recent court cases.

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 2008; and Code Enforcement Activity Report – September 2008.

Valley Mall Boulevard. Council Member Matson questioned the status of the

Add to the Agenda –
Deputy Court Clerk
Position

Development of Next
Agenda

Departmental Reports

Valley Mall Boulevard project.

The Public Works Director explained the contractor is working to get South 16th Avenue open before it snows. He stated freezing protection will probably be an additional expense on the bridge deck, and they are discussing how to inter-tie the traffic on a temporary basis so the roadway can be open around Thanksgiving.

Washington State Transit Insurance Pool (WSTIP). Council Member Vanover questioned if the City is sending a representative to the WSTIP Executive Committee meeting on November 6th.

Mayor Lemon stated if the City sends someone; the Public Works Director will attend unless Council Member Wentz wants to attend.

The Public Works Director informed the City has been invited, even though we are not members at this time.

Mayor Lemon informed part of the agreement with T.C. Transportation is that they provide insurance regardless of what WSTIP decides.

Council Member Olson commented the City did not give WSTIP much time to work this out, but someone should attend the meeting to answer questions.

The Public Works Director informed Council Member Wentz has indicated he would like both of them to attend this first meeting, which is for a presentation. WSTIP will not vote again until December 6th.

Mayor Lemon questioned if the City needs to go out for proposals again if we are turned down by WSTIP.

The Public Works Director stated he believes T.C. Transportation intends to obtain their own insurance.

The City Clerk informed she spoke with Ron Davis of T.C. Transportation last week and he informed they are in the process of obtaining their own insurance, which will be submitted to the City, so they can begin service December 1.

Public Works Committee. The Public Works Director informed he has several issues with the current water and sewer ordinances that he needs to discuss with the Public Works committee.

The Council requested the Public Works Director schedule a committee meeting.

Eagle Scout Project. Council Member Olson commended Kelly Hendricks of Troop 121 for the great looking sign he installed at the Youth Park for his Eagle Scout project.

Communications/
Questions/Comments

At 7:50 p.m., Mayor Lemon adjourned the Regular Council meeting.

Adjournment

These minutes dated October 13, 2008 were approved at the Regular Council Meeting of November 10, 2008.

Jim Lemon, Mayor

ATTEST:

Kathryn Thompson, CMC, City Clerk