

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
October 26, 2009

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 Dave Butler, Dan Olson, Dan Vanover, Roger Wentz, Dave Matson, and Jim 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 Don Mittlieder, Dan & Jan Alvord, Bob & Kathy Lundberg, Stephanie, Michael, & Joshua Murr, Tim Whitehurst, Jo Collier, Karen Rouse, Norm Johnson, Ryan Croffut, Jacob Heilman, David Butterfield, Chad Lenz, Debbie Matson, Ray Kempf, Delta Vincent, Janice Easter, Aubrey Reeves, Rick Shaw, Sylvia Sanchez, Wayne Johnson, Jason Hatfield, Hector Rivera, Eric Turley, Erick Delp, Curtis Santucci, Greg Cobb, Kip Kendrick, Marilyn Norton, Gloria Waltman, Angela Levno, Stace McKinley, John Hodkinson, Ted Pooler, Erin Snelgrove, and others were present.

Pledge of Allegiance The Development Coordinator led the Pledge of Allegiance.

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

Approve the Study Session Council Meeting Minutes, dated October 12, 2009, as sent out on page 4983 of the Minute Book.

Approve the Regular Council Meeting Minutes, dated October 12, 2009, as sent out on pages 4984 through 4991 of the Minute Book.

Approve the Special Council Meeting Minutes, dated October 19, 2009, as sent out on page 4992 of the Minute Book.

Approve Claim Voucher Nos. 75705 through 75798, in the amount of \$489,040.30 dated October 26, 2009 and transfer from the operating funds to the Claims Fund.

Adopt and Publish Ordinance No. 2643, An Ordinance amending the 2009 Budget authorizing an expenditure of \$100,000 from the Fire Truck Reserve Fund (113.522.20.51) for an Interlocal Agreement between the City of Yakima and City of Union Gap for Fire Department Automatic Aid Ladder Truck Response to Commercial Fires.

Adopt and Publish Ordinance No. 2644, An Ordinance amending the 2009 Budget authorizing an expenditure of \$480,643 from the Street Development Reserve Fund (121) for expenses relating to the American Recovery and Reinvestment Act (ARRA) Grant Program.

Adopt and Publish Ordinance No. 2646, An Ordinance amending the 2009 Budget authorizing an expenditure of \$25,308 from the Criminal Justice Fund (123) for expenses relating to the leasing of Police Department vehicles (inadvertently omitted from minutes).

Set public hearing for the 2010 Budget for Monday, November 23, 2009 at 7:00 p.m.

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

Mayor Lemon informed he was directed by Council to have five positions in this ordinance and he did not do that. He then apologized and informed he has given

the Council the ordinance they asked for.

Council Member Vanover stated he would like to know the ramifications of some of the positions chosen, and asked the Fire Chief how this will impact the department's operations.

The Fire Chief stated the Administrative Secretary position is critical to the department's operations and informed she performs data entry required to receive federal grant funds, data entry of the records management emergency reporting system, and data entry and correspondence for the fire inspection program, all of which are vital for the re-rating the department is scheduled for sometime next year. He stated these functions require training and certifications and are not something that can be picked up by others in the department. He also stated she maintains the payroll for the career and volunteer staff, does the department's purchase orders, and manages the department budget. He stated it will be more expensive if this work has to be picked up by the Chief, a Captain, or one of the fire fighters.

Council Member Vanover questioned if the actual budget condition shows that we will have a \$100,000 carryover for 2009.

The City Treasurer stated yes, and we will have \$15,000 to begin 2010 with no eliminations.

Mayor Lemon reminded the Council that those figures reflect using \$340,000 from the infrastructure fund.

Council Member Vanover questioned if it will require overtime to make up for the loss of the clerk in the Police Department.

The Police Chief informed there will be overtime because this is a full-time trained position and others will have to absorb the duties but they are also doing full-time jobs and will have to be trained to do the other duties.

Wayne Johnson, Teamster Representative, informed he represents the Police Support Staff and Clerical unions. He stated if the City is looking to make cuts, the cuts should be luxury positions that are not essential to operations. He informed it is nice to have someone vacuum, but it is not essential. He then questioned what the park workers do in the Winter, and stated it is nice to have graffiti removal and litter pickup, but they are not essential positions. He suggested letting the Community Service Officer (CSO) take defendants to clean up litter and graffiti, and stated the janitor position was not filled for several months and everyone got by. He then described the duties of the Police Clerk, Fire Administrative Secretary, and Clerk/Receptionist informing that those positions are all essential to the City's operations. He stated the last employees hired should be the first to go, and informed bargaining unit position duties cannot be assumed by non-bargaining unit personnel.

Mayor Lemon informed the positions of litter and graffiti have been moved to the Street Fund and are not part of the General Fund.

Don Mittlieder informed he has lived in Union Gap for 52 years and this is the most embarrassing City Council he has ever seen. He stated he cannot believe the Council is cutting positions from the top and cutting in Fire and Police. He encouraged the Council to not cut from the higher up employees and stated he is putting his house up for sale because he is embarrassed to be a Union Gap citizen.

Aubrey Reeves stated he has heard for a long time that businesses cost the citizens money but he does not understand that. Now that the businesses are having trouble and it affects the City's budget he wonders if people still feel the businesses cost the citizens money. He also stated the Council has discussed the costs of overtime but it looks like cutting these positions is going to make the

City spend more money on overtime.

Tim Whitehurst, IAFF Local 3680 President, stated that probably every one of us have someone in our work lives that makes things run smoothly and for the Fire Department that is the Administrative Secretary. He informed there are countless things she does that help the volunteers as well as the career staff. He stated she handles the claims with the Volunteer Fire Board which is separate from Labor & Industries and a completely different kind of operation. He informed the work cannot be absorbed by the fire fighters, it is not their job, and the work has to stay in the bargaining unit. He informed the Council has been very supportive of the Fire Department in the past, but the department cannot keep taking cuts.

Ray Kempf, Civil Service Commission Chairman, stated this ordinance is quite a change from the ordinance presented at the previous Council meeting and tonight there are two different versions presented. He stated he would like to hear some discussion on which ordinance the Council will be voting on.

Greg Cobb, Police Guild President, stated he does not believe the right amount of consideration has occurred to decide on these positions. He stated he thinks there is other fat out there and the two positions proposed to be cut in the Police Department are needed to function and the department will incur overtime if they are cut. He stated these are essential positions to free up officers to be on the street and by cutting these positions the Council is essentially taking officers off the street and taking service away from the citizens. He stated there is a guy that was hired in October and somehow people that have been here for years are going to be cut, and informed the Police Department will do there own janitorial if necessary. He stated he does not believe enough has been done to keep from cutting positions, and stated the Council could do loans from one fund to another before cutting positions.

Kip Kendrick, Municipal Court Judge, stated he can only speak to how the court functions, but if officers are off the street it affects the court's ability to bring in money. He informed most of the money brought in by the court is from traffic infractions and if officers are taken off the street the revenue will go down. He also stated the police department administrative task of processing tickets, handling warrants, no contact orders, etc. is vital to the court's ability to function. He informed the legal secretary is also vital for the prosecuting attorney to function and explained that as well as preparing the files for court, the legal secretary must process the files after court and make sure the necessary evidence and witnesses are ready for the prosecutor. He stated he does not envy the Council's task, but he has grave concerns about these positions.

Angela Levno, Police Detective, stated the Police Clerk serves as the evidence clerk that function is critical, and the department cannot afford to lose her. She stated if the Council would come in and she what she does they would see the department cannot do without her.

Wayne Johnson, Teamster Representative, stated he forgot to mention that the police department recently added the job of entering warrants to the police clerk position and that task takes about 8 hours a week.

Council Member Vanover stated at this point there is not a deficit for 2009 and there is not a projected deficit for 2010, although 2010 is very very tight. He stated he feels any action tonight is unwarranted because the City is not in a position where it needs to take these drastic efforts.

Council Member Olson stated this is not fun, but the City has been depleting funds over the last several years and we cannot go into next year without at least 8 percent reserves. He explained if we go into next year without adequate reserves, there will be no money to pay wages January through March. He informed the Council has to look at the City as a whole and the City is in a worse

position now than it has ever been in before. He stated something needs to be done immediately or later it will be worse.

Don Mittlieder questioned where the graffiti removal money comes from.

Mayor Lemon informed it comes from a combination of sources, but is funded from the street fund.

Mr. Mittlieder questioned if that money can be put in the police fund instead, and stated the City could make the person that gets hit by graffiti take care of their own graffiti and litter. He also stated he does not need someone putting an odd color of paint on his garage or fence to cover graffiti.

Council Member Olson stated there are a lot of things that need to be taken care of during union negotiations and the Council has been kicking this ordinance around for some time now and a decision needs to be made.

Motion by Council Member Olson, seconded by Council Member Murr to adopt and publish Alternate Ordinance No. 2642 with the Janitor position added, as follows: Ordinance No. 2642, An Ordinance eliminating the positions of Fire Administrative Secretary, Legal Administrative Secretary, Clerk Receptionist, and Janitor; laying off the position of Police Clerk, and reducing the Community Service Officer position to a half-time position due to budget constraints. Motion carried: Council Members Butler, Olson, Wentz, Matson, and Murr voting in favor; Council Member Vanover opposed.

Comments from State Representative Norm Johnson

Norm Johnson, State Representative speaking on behalf of himself, Senator King, and Representative Ross, extended sympathies on the loss of Council Member Glenn Bateman. He also thanked the Council for their trips to Olympia and stated sometimes people do not think the trips matter, but Union Gap has reaped the benefits from making those trips. He informed Valley Mall Boulevard was completed because the Council reminded the legislators to include the project. He suggested the Council keep up the good work and continue to send e-mails and letters. He then stated the Council faced tough decisions tonight and the legislature is faced with a much deeper financial situation in Olympia this time around also. He stated they are going to have to make some very unpopular decisions.

Council Member Wentz questioned how many positions will be cut.

Representative Johnson stated the state is facing monumental cuts in people and programs and the hardest thing they have to do is say no to people in need.

Council Member Wentz thanked Representative Johnson for coming to the meeting and thanked him and Senator King and Representative Ross for always being gracious and amazing to the City of Union Gap.

Council Member Olson agreed and stated the City could not have done our projects without the support of the legislators.

Ordinance No. 2645 – Establishing Water & Sewer Benefit Area and Connection Fees in the South Broadway Area

Council Member Olson commented Ted Pooler is present tonight and questioned the division of benefit areas a and b attached to the ordinance. He stated the projected costs could scare people away because in some cases the cost could be \$18,000 to \$20,000. He stated the City needs an ordinance in place, but he would like to see the areas divided differently.

Ted Pooler, Huibregtse, Louman Associates, informed this ordinance is to recoup the costs of extending the water and sewer mains to this area because having the lines in place makes the connection costs substantially lower for the citizens. He stated developing the division of areas was a long process that was given a lot of thought. He informed area b is divided on either side of Cornell

because it is easier to reach the mains.

Council Member Olson requested areas a and b be recalculated and the new costs given to the Council.

After discussion, Council Member Olson questioned if it would be alright to pass this ordinance tonight with the understanding that it would be revised later.

Mr. Pooler stated if the ordinance passes it becomes part of the City's Municipal Code and the Municipal Code can be amended with another ordinance.

The City Attorney stated the problem is that if a part of the area is moved after someone connects, they could come in wanting a refund so it is not ideal to pass the ordinance now and then amend it later.

Council Member Olson commented the ordinance needs to be passed no later than the next Council meeting.

Council Member Vanover commented there is a Public Works Committee meeting tomorrow and this could be discussed again at that meeting.

The City Attorney informed the Council could pass the ordinance tonight with the areas and dollar figures to be put in later.

Motion by Council Member Olson, seconded by Council Member Vanover to adopt and publish Ordinance No. 2645, An Ordinance creating Chapter 12.06 of the Union Gap Municipal Code, entitled "South Broadway Capital Cost Recovery Area – Water and Sewer Connection Fees"; establishing a South Broadway Capital Cost Recovery Area; establishing connection fees; establishing the fees for connections to sewer stubs on Pioneer Street; providing for severability; and, establishing an effective date, with the area West of 7th Avenue being included in area a and the dollar amounts added later. Motion carried: Council Members Butler, Olson, Vanover, Wentz, and Murr voting in favor; Council Member Matson opposed.

Res. No. 827 – Federal Highway Admin. Title VI Program Non-Discrimination Agreement

Motion by Council Member Olson, seconded by Council Member Murr to adopt Resolution No. 827, A Resolution authorizing execution of a Federal Highway Administration Title VI Program to prevent discrimination in the provision of benefits and services on federally funded highway programs and activities. Motion carried unanimously.

Resolution No. 828 – Intergovern. Local Agree. for Continued Participation in the Regional Stormwater Group with Yakima County and the Cities of Yakima and Sunnyside

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 828, A Resolution authorizing the Mayor to sign an Intergovernmental Local Agreement for Stormwater Permit Compliance Activities between Yakima County and the cities of Yakima, Union Gap, and Sunnyside. Motion carried unanimously.

Declare Projects Complete & Approve Acceptance of Wastewater Collection System Project

Motion by Council Member Vanover, seconded by Council Member Wentz to accept the Sewer Collection System Project as complete and authorize Final Progress Estimate No. 6 in the amount of \$4,640.58, after all conditions in the attached letter from Huibregtse, Louman Associates, Inc., are met. Motion carried unanimously.

Items from the Audience

There was no one present wishing to speak.

Develop Agenda for
November 9, 2009
Council Meeting
Departmental Reports

There were no items added to the draft November 9th agenda.

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 - September 2009; Police Department Status Report – September 2009; New Businesses Report – September/October 2009; Fire Department Status Report – September 2009; and Tax Revenue Report – September 2009.

Ahtanum/Main Paving Project. Council Member Olson expressed concern about the paving project on Ahtanum and Main. He informed the east side of the road has a goofy curb with a drain making it inappropriate for wheelchairs. He also informed they did not grind everything and he is not happy with the project. He stated the City gave money back because they came in under bid, but they did not do a good job.

Mayor Lemon informed the Public Works Director will look into this issue.

Communications/
Questions/Comments

2010 Census. Council Member Olson informed it is important for everyone to fill out a form for the 2010 Census. He stated the form has 7 to 10 questions and everyone living in the household needs to be identified because the City receives \$2700 for every person from the State. He stated he realizes Mary Place will be at the next meeting to discuss this, but he also wants to encourage people to fill out the forms.

Mayor Lemon informed Mary Place is coming to the next Council meeting as the county’s government representative for the census.

Adjournment

At 8:11 p.m., Mayor Lemon adjourned the Regular Council meeting.

These minutes dated October 26, 2009 were approved at the Regular Council Meeting of November 9, 2009.

Jim Lemon
Mayor

ATTEST:

Kathryn Thompson, CMC
City Clerk