

**UNION GAP CITY COUNCIL REGULAR MEETING**  
**Council Chambers, City Hall**  
**Union Gap, Washington**  
**September 10, 2007**

- Call to Order Mayor Reeves called the Regular Meeting of the Union Gap City Council to order at 7:11 p.m.
- Council Members Present Council Members Jim Lemon, David Butler, Dan Olson, Toni Webb, Glenn Bateman, Dan Vanover, and Roger Wentz were present.
- Staff Present Robert Noe, City Attorney; Dennis Henne, Public Works Director; Robert Almeida, Police Chief; Tim Whitehurst, Fire Lieutenant; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Randi & Celia Butterfield, Dave & Debbie Matson, Ryan Croffut, Tony Reise, Curtis Johnstone, Gene Weinmann, Pastor David Dalton, John Hodkinson, Diana Woods, Joel Freudenthal, Terry Keenhan, Brother Jack Henderson, Bill Hordan, and others were present.
- Invocation Pastor David Dalton presented the invocation.
- Pledge of Allegiance Tim Whitehurst led the Pledge of Allegiance.
- Consent Agenda Council Member Olson requested the Regular Council Meeting Minutes, dated August 27, 2007, be removed from the Consent Agenda.
- Motion by Council Member Wentz, seconded by Council Member Vanover to approve the consent agenda, with the exception of the minutes, as follows:
- Approve Claim Voucher Nos. 69798 through 69837 in the amount of \$591,954.15, dated August 31, 2007 and transfer from the operating funds to the Claims Fund.
- Approve Payroll Voucher Nos. 30904 through 30991 in the amount of \$142,787.06, dated August 31, 2007 and transfer from the operating funds to the Payroll Fund.
- Approve Claim Voucher Nos. 69838 through 69923 in the amount of \$336,018.38, dated September 10, 2007 and transfer from the operating funds to the Claims Fund.
- Adopt Resolution No. 679, A Resolution establishing policy for the payment of costs associated with Union Gap Royalty participation in events and parades.
- Adopt and Publish Ordinance No. 2539, An Ordinance reclassifying the zoning of approximately 15.5 acres from a combination of CBD District (CBD) and Light Industrial (L-I) to Regional Commercial District (C-2) as recommended by the Union Gap Hearing Examiner.
- Motion carried unanimously.
- Minutes of August 27, 2007 Regular Council Meeting. Council Member Olson objected to the comments made concerning the Spring Creek flood gate on pages 4691 through 4693 of the August 27, 2007 Regular Council meeting.
- Council Member Lemon questioned if Council Member Olson objected at the last Council meeting.
- Council Member Olson stated yes, but there was a lot of things being said and he just wants it on record that he objects to those comments.

Council Member Lemon stated minutes are supposed to reflect what was actually said at the meeting and not after the fact contributions.

Council Member Wentz questioned what is inaccurate about the minutes and questioned if Council Member Olson is saying that the City Clerk did not record the comments right.

Council Member Olson stated there are a lot of inaccuracies in the minutes and it is just best to have the minutes reflect that he objects to the comments that were made.

Council Member Wentz questioned if the comments in the minutes are accurate as to what was said, because objecting to the minutes sounds like the minutes are not accurate.

Council Member Lemon stated the minutes ought to reflect what was actually said at the last meeting, and if Council Member Olson didn't object during the last meeting, he will vote no on amending the minutes.

Council Member Olson stated not all of the facts were accurate and rather than go through a lot of hassle, he just wants the minutes to reflect that he objects to the comments that were made. He stated the comments in the minutes were what was said, he is saying what was said was not all factual.

The City Clerk clarified that Council Member Olson is not asking to amend the minutes or change the minutes, he is objecting to what was being said, not that the minutes do not report the comments correctly.

Motion by Council Member Wentz, seconded by Council Member Vanover to approve the Regular Council meeting minutes of August 27, 2007 as being accurate according to what was said during the meeting. Motion carried: Council Members Lemon, Butler, Webb, Bateman, Vanover, and Wentz voting in favor; Council Member Olson voting no.

Resolution No. 680 –  
Agreement with  
Centerpoint Language  
Services for Municipal  
Court Interpreter  
Services

Mayor Reeves informed the Council approved the Interpreter Contract with Columbia Interpreting on August 13<sup>th</sup>, but on August 15<sup>th</sup> he received a letter stating, “this is to serve as 30-day notice of intent to terminate all contract services with the City of Union Gap Municipal Court.” He accepted that 30-day notice and he and the City Attorney negotiated an agreement with Centerpoint Language Services. He then received another letter on August 29, 2007 withdrawing the termination and wishing to sign the contract.

Council Member Vanover questioned if Centerpoint Language Services works for other courts in the area.

Mayor Reeves stated yes.

Council Member Wentz questioned if Columbia Interpreting was contacted after the August 15<sup>th</sup> letter.

Mayor Reeves stated they were contacted before and after the letter and at one point they said they did not know anything about the contract, but the City Attorney and Mayor met with them and agreed to the dollar amount increase, but not the minimum number of hours they wanted. When the 30-day notice was received, the City had to find another company.

Randi Butterfield, Columbia Interpreting General Manager, stated they had not seen the contract that went to the Council but the Court Clerk sent them a fax telling them the contract had a 1.5 hour minimum and their interpreters are used

to having a 2 hour minimum so he sent the August 15<sup>th</sup> letter.

Celia Butterfield, Court Interpreter, stated her General Manager got ahead of her, and informed she has been with the Court since it opened, and in 2002 they attempted to get an increase in their rates and the Mayor said no. She stated her General Manager wanted to quit then, but she did not quit because she likes this court.

Council Member Wentz questioned if the City has ever had any trouble with this firm, and commented this sounds like a misunderstanding.

Mayor Reeves stated having trouble with the company is not the issue, and there was no misunderstanding, they gave their 30-day notice to terminate and the City accepted the notice and found another company.

Celia Butterfield asked if the City has a signed contract with the other company.

Mayor Reeves stated that is what is on the agenda for consideration tonight.

The City Attorney informed contracts are not valid unless the City Council approves them so there is not a signed contract at this point and Centerpoint understands that the contract is not final without Council approval. He stated Resolution No. 676 was previously approved and that contract was drafted by Columbia Interpreting and everything is the same except the amount per session.

Motion by Council Member Olson, seconded by Council Member Wentz to not accept Resolution No. 680, A Resolution authorizing the Mayor to sign an Agreement for Court Interpreter Services with Centerpoint Language Services and to accept Resolution No. 676 passed August 13, 2007 entering into an agreement with Columbia Interpreting Services.

Mayor Reeves stated Centerpoint should have the opportunity to approach the Council also.

After discussion, Mayor Reeves called for a vote on the motion to not accept Resolution No. 680, A Resolution authorizing the Mayor to sign an Agreement for Court Interpreter Services with Centerpoint Language Services and to accept Resolution No. 676 passed August 13, 2007 entering into an agreement with Columbia Interpreting Services. Motion carried: Council Members Butler, Olson, Webb, Bateman, and Wentz voting in favor; Council Members Lemon and Vanover voting no.

Resolution No. 681 –  
Creating Policy and  
Grievance Committee  
for the City's 2007  
Housing Rehabilitation  
Program

The City Clerk informed Gene Weinmann YVCOG, is present to answer questions.

Council Member Lemon questioned what kind of grievances the committee addresses.

Mr. Weinmann stated usually grievances have to do with a misunderstanding regarding change orders, quality of work performed, etc.

Motion by Council Member Butler, seconded by Council Member Wentz to adopt Resolution No. 681, A Resolution creating the Policy and Grievance Committee for the City of Union Gap's 2007 Housing Rehabilitation Program administered through the Yakima Valley Conference of Governments and making appointments to the Committee. Motion carried unanimously.

Discuss Request by The  
Intersection Church to  
rent the house at 3103

Curtis Johnstone, Pastor of The Intersection Church, informed he spoke with the probation officer handling Union Gap misdemeanors and they have 140 people on probation plus a number that report in writing and they estimated there are

2<sup>nd</sup> Street

about 30 felony offenders. He stated he has also talked with Federal probation, but they have not gotten back to him yet. He stated all the agencies said they would send people to him as soon as he has a building.

Council Member Lemon questioned if he intends to run a youth program also.

Pastor Johnstone stated yes, and most of the youth will be at risk.

Motion by Council Member Lemon, seconded by Council member Butler to request the City Attorney draw up a month-to-month rental agreement for the house at 3103 2<sup>nd</sup> Street.

Council Member Vanover questioned if there are any zoning issues since the house is zoned public facilities as part of the City.

Council Member Wentz questioned how much the rent would be.

The City Attorney stated in general the City can rent to anyone as long as they receive some reasonable compensation back, and stated he would look into the zoning, but did not believe there would be an issue.

After discussion, Mayor Reeves called for a vote on the motion to request the City Attorney draw up a month-to-month rental agreement for the house at 3103 2<sup>nd</sup> Street. Motion carried unanimously.

Consider Forming  
Council Committee to  
Review Proposals,  
Conduct Interviews, and  
Recommend  
Engineering Firm

Mayor Reeves informed a committee to review the Engineering proposals needs to be formed. Council Members Olson and Bateman volunteered to serve on the committee.

After discussion, motion by Council Member Vanover, seconded by Council Member Webb to appoint Council Members Olson, Bateman, and Lemon to the Engineering Selection Committee. Motion carried unanimously.

Consider Declaring  
Acquired Property  
Surplus

Motion by Council Member Wentz, seconded by Council Member Vanover to declare the properties at 2203 South 10<sup>th</sup> Avenue, 2213 South 8<sup>th</sup> Avenue, 619 Pioneer Lane, and 2301 South 5<sup>th</sup> Avenue acquired for Valley Mall Boulevard Phase III as surplus. Motion carried unanimously.

The Public Works Director informed the Fire Department has requested permission to use these homes for training. The City is currently obtaining a certified asbestos team to remove asbestos from the homes and then the City will advertise to sell the homes for relocation or use them for Fire Department training.

Report on Status of  
Letter Regarding Spring  
Creek Flood Gate No. 1

Mayor Reeves informed the letter he sent to residents regarding the Spring Creek floodgate and a list of who the letter was sent to was provided in the Council packet.

Council Member Lemon stated he thought Council Member Olson said he did not own any lots in the mobile home park, but his name shows up on the list.

Council Member Olson stated that lot has been sold.

Council Member Wentz informed he asked Yakima County staff to be here tonight to address this issue.

Terry Keenhan, Surface Water Manager introduced Joel Freudenthal and Diana Woods from his staff, and distributed a petition dated August 10, 2007 received by Yakima County on August 29, 2007, and Yakima County's letter to Mr. Charles Flower dated September 10, 2007 regarding the petition.

Council Member Lemon stated he thought Council Member Olson said he would bring the petition to the City, but the City is just now receiving the petition from Yakima County.

Council Member Olson stated the petition had to be served on Yakima County first.

Council Member Lemon read the beginning of the petition as follows, “We the undersigned are petitioning Yakima County Commissioners and The City of Union Gap . . .” and questioned why the petition says they are petitioning the City of Union Gap, but the City was not given the petition.

Council Member Olson stated the petition had to be served on Yakima County first because they have jurisdiction.

Council Member Wentz commented Yakima County had the petition since August 29<sup>th</sup> so why was it not served on the City.

Council Member Lemon stated the people that signed the petition thought the City knew all about this and questioned why the City was named when Yakima County has jurisdiction.

Council Member Olson stated the City was named so the City would be on notice also.

Council Member Wentz stated the City has not been noticed, it has been two weeks since the last Council meeting and the City has not been served with the petition. He then asked the county staff if there is any credibility to the risk of the floodgate being opened.

Mr. Keenhan stated the gate has been closed since 2003 and the County has no plans of opening it at this time. He informed the gate has been in place since 1992 and was put in so 50 acres of land would no longer be in the 100-year floodplain.

Council Member Wentz questioned if there has been any official discussion in the County regarding opening the gate and flooding homes.

Mr. Keenhan stated no, the County has the ability to open the gate in non-flood seasons if necessary, but the gate would not be opened if flooding would occur. He informed the gate cannot be closed permanently because there are other issues such as water rights, irrigation conveyance, local flood concerns and the environmental regulatory and property considerations associated with a natural stream channel.

Council Member Wentz clarified that there is no risk of the gate being opened and homes being flooded and this was news to Yakima County, as well as the City.

Mr. Keenhan stated Yakima County does not consider there being any risk of these homes being flooded by the opening of the floodgate.

The Council thanked Mr. Keenhan for being at tonight’s meeting.

Council Member Olson stated the key issue, from his point of view, is to make sure it is on record with Yakima County and the City of Union Gap that the people do not want another episode of flooding.

Council Member Lemon stated if that is the case, when was the City going to be notified.

Council Member Olson stated he feels there is no reason to ever open this floodgate again, and he would like assurances that the gate won't be opened. He stated whether Joel Freudenthal remembers or not, he was in Terry Austin's office when he said that Yakima County was going to open the floodgate and he realizes there is always potential for flooding, but he wants to make sure Yakima County understands the floodgate needs to stay shut.

Council Member Lemon commented most of these signatures were obtained August 10<sup>th</sup>.

Mayor Reeves stated he does not believe anyone made the statement that Yakima County was going to open the floodgate and flood homes. It does not make sense that anybody would make a statement like that.

Council Member Olson stated someone made that comment, but that was not the intent of any of this, the intent was to see that the gate remains closed.

Council Member Lemon stated this reminds him of the Airport issue that was used in flyers four years ago when Council Member Olson was running for Mayor. The flyers said FAA hijacks Union Gap, vote for me, the life you save may be your own.

Council Member Webb commented this comes back to another situation where this Council asked for all Council Members to work as a team and here again Council Member Olson is off by himself and doesn't consider the rest of the Council a part. She stated she resents this type of behavior and stated the Council is supposed to be unified.

Council Member Olson stated this was for the protection of the people that live in that area.

Council Member Lemon stated the petition names the City of Union Gap and the people believed the Council knew about it, so this information should have been shared with the Council.

Mr. Keenhan stated he does believe there was a conversation in Mr. Austin's office, but the conversation was regarding a Fish and Wildlife project and the comment made was that there was a possibility of opening the gate to flush out the system if it was ever required, but the gate would be closed again and this would be done when there was no threat of flooding.

Items from the Audience

Infrastructure Money. Brother Jack Henderson stated he is speaking as an individual volunteer fire fighter. He stated he knows there are tremendous needs and believes the Council has all been good stewards of the money, but requested they take a look at the division of infrastructure money in the City. He stated he believes Police and Fire should be considered infrastructure also, instead of all the money going for roads. He stated the Police Department got 3/10 law and justice money, but the Fire Department has not gotten any additional money and they need to be putting money away for apparatus replacement.

Automatic Aid Agreement. Brother Jack also encouraged the Council to enter into an automatic aid agreement with Yakima. He explained that under mutual aid it is a choice whether or not an agency sends help, but under automatic aid the nearest engine would respond, and that benefits both agencies.

Union Negotiations. Brother Jack encouraged the two sides to settle the union negotiations that have been on going for two years. He informed he is one of the 3 volunteer lieutenants required to cover 9 shifts and it is too stressful on the volunteers. He stated they do a good job, but people get hired away and they

come up short. He informed the career guys and the volunteers are picking up a lot of shifts and it is taking a toll on families. One volunteer is talking about quitting because he's tired. He informed they need the union negotiations to settle so there will be Captains in place to ease the load.

Automatic Aid Agreement. Council Member Webb questioned why no one mentioned automatic aid to the Council before this.

Brother Jack stated he did not know, but it has been discussed for quite a while and was being discussed by Yakima's former Chief Mayo and Chief Kehm.

Mayor Reeves informed he and former Chief Kehm and the City Attorney met with Yakima last week and discussed automatic aid and Yakima's attorney is writing up an agreement. Yakima also agreed to loan Union Gap a Battalion Chief and more engines for the next 30 days.

Interim Fire Chief. Mayor Reeves informed the City is currently advertising for Fire Chief and requested authorization to hire an Interim Chief in the meantime.

Council Member Lemon questioned why Lt. Whitehurst could not be the Interim Chief.

Mayor Reeves stated he has discussed the issue with Lt. Whitehurst.

Tim Whitehurst, Fire Lieutenant, stated he has been with the City since 1986. He informed no one in the Fire Department is interested in being the Fire Chief at this time, and he believes it would be a benefit to have an outside person to help find a new Chief. He stated he would be willing to fill in until an outside Interim Chief can be found, but he is the president of the bargaining unit and there is a conflict of interest with the union contract outstanding. He stated he believes bringing someone in with other opinions would be good because there are issues the department needs help and ideas with, such as needing to staff two engines with volunteers and career people in order to meet standards.

Departmental Reports

Mayor Reeves informed the following reports are in the packet and questioned if the Council has any questions of the departments: Building/Mechanical & Plumbing Report – August 2007 and Treasurer's Report – July 2007.

Development of Agenda for 9/24/07 Meeting

Council Member Wentz stated he will be out of town September 24<sup>th</sup>.

Communications/ Questions/Comments

Main Street. Council Member Butler stated he realizes Main Street is not going to be paved, but questioned if it could receive some maintenance.

The Public Works Director stated that is what our infrastructure fees pay for, and informed he is currently looking at a grinder.

Rudkin Road. Council Member Vanover commented that gravel on Rudkin Road would be an improvement.

Adjournment

At 8:35 p.m., Mayor Reeves adjourned the Regular Council meeting to Monday, September 17, 2007 at 6:00 p.m. for a Study Session meeting with State Legislators, County Officials, and State and County Employees regarding Valley Mall Boulevard/I-82 Interchange.

*These minutes dated September 10, 2007 were approved at the Regular Council Meeting of September 24, 2007.*

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Aubrey C. Reeves, Jr., Mayor

ATTEST:

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Kathryn Thompson, CMC, City Clerk