

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
September 14, 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 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 Fred Thomson, Chad Lenz, Lewis & Thelma Beddoe, Joe & Linda Jackson, Michael & Stephanie Murr, Jo Collier, Pam Alamos, Debbie Matson, Ray Kempf, Ron Davis, Mike Coyner, Denise Jones, Fontelle Salzman, Jake Jundt, Curtis King, Scott Steinloski, John Hodgkinson, John Cooper, and others were present.
- Pledge of Allegiance Council Member Matson led the Pledge of Allegiance.
- Special Recognition Mayor Lemon congratulated Mayor Pro Tem Wentz for completing the Association of Washington Cities Advanced Certificate of Municipal Leadership training program.
- Consent Agenda Motion by Council Member Wentz, seconded by Council Member Vanover to approve the consent agenda, as follows:
- Approve the Regular Council Meeting Minutes, dated August 24, 2009, as sent out on pages 4961 through 4969 of the Minute Book.
- Approve Claim Voucher Nos. 75352 through 75393, in the amount of \$637,356.23 dated August 31, 2009 and transfer from the operating funds to the Claims Fund.
- Approve Payroll Voucher Nos. 32817 through 32903, in the amount of \$156,736.89 dated August 31, 2009 and transfer from the operating funds to the Payroll Fund.
- Approve Claim Voucher Nos. 75394 through 75504, in the amount of \$198,568.99 dated September 14, 2009 and transfer from the operating funds to the Claims Fund.
- Adopt Resolution No. 810 – A Resolution supporting renewal of the Law and Justice Sales Tax.
- Adopt Resolution No. 817 – A Resolution finding an emergency for purposes of processing a request for Comprehensive Plan Amendment and Rezone.
- Adopt and Publish Ordinance No. 2632 – An Ordinance amending the 2009 Budget authorizing an expenditure of \$891 from the Current Expense Fund – Police Department (001.524.20.10; and 001.512.50.10) for the Community Service Officer wage increase.
- Adopt and Publish Ordinance No. 2633 – An Ordinance amending the 2009 Budget authorizing an expenditure of \$35,000 from the Current Expense Fund – Legal (001.515.10.41) for additional Public Defender Costs.
- Adopt and Publish Ordinance No. 2634 – An Ordinance amending the 2009 Budget authorizing an expenditure of \$89,000 from the Transit Fund (128.547.60.49) for additional Transit Service costs.

Adopt and Publish Ordinance No. 2635 – An Ordinance amending the 2009 Budget authorizing expenditures of \$1,400,000 from the Street Development Reserve Fund (121), and \$4,500,000 from the Water/Sewer Improvement Reserve Fund (404) for costs relating to the Valley Mall Blvd. Phase III Project.

Adopt and Publish Ordinance No. 2636 – An Ordinance amending the 2009 Budget authorizing an expenditure of \$17,393.48 (\$16,120 plus tax) from the Contingency Fund (109) for installation of a new furnace and air conditioning system at City Hall.

Adopt and Publish Ordinance No. 2637 – An Ordinance amending the 2009 Budget authorizing an expenditure of \$60,000 from the Infrastructure Reserve Fund (124) for the Union Gap School Crossing Improvements.

Motion carried unanimously.

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

The Development Coordinator explained this ordinance is required in order for cities to be in the Federal Flood Insurance Program. He informed the Federal Emergency Management Agency (FEMA) recently conducted an audit of the area and developed new flood plain maps. He stated he provided the Council with two ordinance choices: the first is the bare minimum to meet the requirements and the second has a provision for structures to be placed one foot or more above the base flood elevation instead of at the flood elevation. He informed with the one foot provision property owners receive considerable reduction in premiums for the life of the structure and those savings are passed on from owner to owner.

Council Member Wentz questioned if developers are opposed to the one foot provision.

The Development Coordinator stated the majority of the structures at issue in Union Gap are in Holiday Mobile Town Park and most of those structures meet the one foot or miss the one foot by a couple of inches.

Motion by Council Member Vanover, seconded by Council Member Wentz to adopt and publish alternate Ordinance No. 2631, An Ordinance amending Chapter 14.28 of the Union Gap Municipal Code as it pertains to Flood Hazard Protection.

Council Member Olson referred to item f on page 4 of alternate Ordinance No. 2631 and stated developers are allowed to add fill or foundation material to bring the elevation up to meet the one foot provision, but that is not mentioned in this ordinance.

The Development Coordinator explained that item f is for areas with streams but no identified floodway and all of the Union Gap streams have identified floodways. He informed this paragraph is included so that our ordinance will be consistent with other ordinances in Yakima County.

Council Member Olson questioned if fill or foundation material is allowed in areas with identified floodways.

The Development Coordinator stated fill or foundation material is allowed as long as it is compacted.

Council Member Olson stated the use of fill or foundation material is not explained in the ordinance and he wants that added.

The Development Coordinator explained the language in the ordinance is highly regulated by FEMA. He stated the ordinance does not specify methods, but it does say other methodology can be used, but the developer must work with

FEMA to make sure the method is consistent with FEMA.

Council Member Olson stated he would like the methodology clarified now because there are new maps the Council does not have and the changes will affect a lot of people.

The Development Coordinator informed the current set of maps that go with this ordinance do not make substantial changes, but additional maps are being developed.

Council Member Olson stated he will vote no.

Council Member Matson commented generally in the flood plain area you are not supposed to add dirt. He questioned if someone adding a house has to hire an engineer and do a compaction test if they are adding dirt.

The Development Coordinator informed this ordinance does not address specifics, but there are numerous methods and handbooks describing the methods available. He stated this ordinance only shows the proposed changes, not the entire ordinance.

John Hodkinson informed he has been in two meetings where the City of Yakima has discussed these changes with FEMA. To date, Yakima has not passed the ordinance because of the Central Washington Home Builders Association (CWHBA) concerns about the cost of affordable housing. He stated Yakima's proposed ordinance has the one foot provision for commercial development, but not for residential development.

Council Member Wentz stated if the CWHBA has concerns about the one foot provision, he would rescind his second to the motion to adopt this ordinance.

Council Member Vanover agreed and withdrew his motion to approve the ordinance, and recommended this be tabled to the next Council meeting.

The Development Coordinator informed an ordinance needs to be adopted by the end of October.

Mayor Lemon requested the Council members send a memo to the Development Coordinator outlining their concerns with the ordinance.

Resolution No. 811 – In
Memory of Philip C.
Salzman

Mayor Lemon informed this resolution is in memory of Philip Salzman who served as a Union Gap volunteer fire fighter for 34 years, served on the Union Gap City Council for 12 years, was active on numerous city committees, served as Civil Service Commission Chairman, and was an active member of the Citizen's Patrol.

Motion by Council Member Wentz, seconded by Council Member Vanover to adopt Resolution No. 811, A Resolution in memory of Philip C. Salzman. Motion carried unanimously.

Resolution No. 812 –
Visitor Information
Center Sponsorship
Agreement for 2009

Pam Alamos, Yakima Valley Visitor Information Center, informed this request is for the renewal of the Sponsorship Agreement for 2009. She informed they have a lot of information on Union Gap at the visitor center, including the newsletter, agricultural museum information, hotel and restaurant information, as well as a things to do in Union Gap flyer.

Motion by Council Member Wentz, seconded by Council Member Murr to adopt Resolution No. 812, A Resolution authorizing the Mayor to sign a Sponsorship Agreement with the Yakima Valley Visitors & Convention Bureau for Visitor Information Center tourism promotion for 2009.

Council Member Olson stated he would vote no because this is already

September and we have no contract with the Visitor Information Center for 2009.

Scott Steinloski, Tourism Promoter, stated the contract attached in the packet is for 2010.

After discussion of approving the contract for 2010, Mayor Lemon called for a vote on the Motion by Council Member Wentz, seconded by Council Member Murr to adopt Resolution No. 812, A Resolution authorizing the Mayor to sign a Sponsorship Agreement with the Yakima Valley Visitors & Convention Bureau for Visitor Information Center tourism promotion for 2010. Motion carried: Council Members Butler, Vanover, Wentz, Matson, and Murr voting in favor; Council Member Olson voting no.

Council Member Wentz suggested approving the three Fire Department resolutions with one motion.

Resolution Nos. 813, 814, 815 – Fire Communications Services Contract; Information Systems Services Agreement; Communications Equipment Repair and Maintenance Services Agreement with City of Yakima

The Fire Chief informed the first two agreements are identical to previous agreements except the Fire Communications Services Contract is now for three years instead of one. He informed the primary increase in cost is due to the number of responses Union Gap makes. The Information Systems Service Agreement is a renewal of a previous five year agreement. The Communications Equipment Repair and Maintenance Services Agreement is new, but it will cost about 50 percent less to use Yakima's radio technicians for our repairs. The majority of the upper Yakima Valley has the same brands of radios and these technicians have extra parts on hand and work on these radios daily.

Motion by Council Member Butler, seconded by Council Member Vanover to adopt Resolution No. 813, A Resolution authorizing the Mayor to sign a Fire Communications Services Contract with the City of Yakima; Resolution No. 814, A Resolution authorizing the Mayor to execute the City of Yakima Information Systems Services Agreement; and Resolution No. 815, A Resolution authorizing the Mayor to sign a Communications Equipment Repair and Maintenance Services Agreement with the City of Yakima. Motion carried unanimously.

Resolution No. 816 – I-82/Valley Mall Blvd. Local Agency Agreement & Interchange Detour Route Agreement with Washington State Department of Transportation

The Public Works Director informed the Local Agency Agreement is for the Department of Transportation (DOT) construction services for Valley Mall Boulevard Phase IV and the Interchange Detour Route Agreement is to facilitate the State's I-82 Interchange Project. He stated the State is proposing to detour traffic about ½ mile to the north and in consideration of that detour the State will improve Rudkin Road between Valley Mall Boulevard and Lilac Lane to tie into the City's stimulus money that is paying for improvements to Rudkin Road from Mead Avenue to Lilac Lane.

Council Member Butler questioned if the State is still talking about putting a detour on the other side of Super 8.

The Public Works Director stated they have discussed a detour on the other side of Super 8, but that won't impact City roads like the proposal to the north. He informed the state is looking at four or five alternatives.

Motion by Council Member Vanover, seconded by Council Member Wentz to adopt Resolution No. 816, A Resolution authorizing the Mayor to sign a Local Agency Participating Agreement with the Washington State Department of Transportation and a Local Agency Haul Road Detour Agreement with the Washington State Department of Transportation. Motion carried unanimously.

Resolution No. 818 – 2010-2011 Agreement with Washington State Department of Ecology

The Public Works Director informed this is a \$50,000 pass-through grant application to the Department of Ecology for the City's stormwater program. He stated this grant can be used to meet the City's requirements of the permit, and is

for Phase II Stormwater
Pass-Through Grant

a broad grant allowing the money to be used for equipment, labor, consulting services, etc. He also informed there is no matching money required for this grant.

Motion by Council Member Vanover, seconded by Council Member Wentz to adopt Resolution No. 818, A Resolution authorizing the Mayor to sign an Agreement with the Washington State Department of Ecology for Phase II Stormwater Pass-Through Grant Program. Motion carried unanimously.

Expenditure Request –
Recomm. From the
Lodging Tax Advisory
Committee to expend
\$25,000 from the
Convention Center
Reserve Fund for the
State Fair Park

Jake Jundt, Chairman of the State Fair Board, informed this request is for a one year grant to the State Fair Park. He thanked the Mayor and Council for their past participation with funding at the State Fair Park and SunDome. He informed along with the Visitors & Convention Bureau, the State Fair Park brings in the most visitors to the area. He informed the State Fair Park's major fund raiser was horse racing and since losing horse racing they have struggled to maintain the grounds.

Council Member Olson commented Union Gap gave money last year and the City of Yakima didn't pony up anything.

Mr. Jundt informed they are requesting \$75,000 from Yakima this year.

Council Member Olson suggested tabling this item until Yakima ponies up and commented Union Gap's hotel rooms are the last to get filled when an event comes to Yakima.

Mayor Lemon stated this is a Lodging Tax Committee recommendation and the State Fair Park benefits the entire area.

Curtis King, State Fair Board, stated the information packet they distributed shows that 16 events held at State Fair Park bring 41,475 people to town and the large majority stay in Union Gap hotels. He stated there are also three pages of additional events that equate to 4,000 hotel nights and a large percentage of those stay in Union Gap hotels. He informed this request has nothing to do with Yakima or with the Visitors & Convention Bureau; this request is for Union Gap and Union Gap does get a return on their investment.

Council Member Vanover questioned when the SunDome bonds will be paid off and what the balance of the Convention Center Reserve Fund is.

Mr. King stated the SunDome bonds end in 2009.

The City Treasurer informed there is over \$300,000 in the Convention Center Reserve Fund.

Motion by Council Member Vanover, seconded by Council Member Murr to approve the recommendation of the Lodging Tax Advisory Committee to appropriate \$25,000 from the Convention Center Reserve Fund for the State Fair Park. Motion carried: Council Members Butler, Vanover, Wentz, Matson, and Murr voting in favor; Council Member Olson voting no.

Recomm. From the
Lodging Tax Advisory
Committee to Change
Agreement with the
V&C Bureau to a Year
to Year Agreement

Scott Steinloski, Tourism Promoter, informed since 2004 the general agreement with the Visitors & Convention Bureau (V&C) has been self renewing. He stated the Lodging Tax Committee would like to change the agreement to year to year so the V&C will be coming before the committee for a recommendation to the Council each year.

John Cooper, CEO of the V&C, informed the self renewing agreement has been advantageous to the City because the fees have remained the same. He stated they are not opposed to changing the agreement, but would like a two year renewal because sometimes events overlap calendar years.

Motion by Council Member Butler, seconded by Council Member Wentz to

Valley Mall Boulevard
Phase III Project,
Change Order Nos. 12,
13, 14, and 15

approve the recommendation of the Lodging Tax Advisory Committee to change the general agreement with the Visitors & Convention Bureau to a year to year agreement. Motion carried unanimously.

Motion by Council Member Wentz, seconded by Council Member Vanover to authorize the Mayor to sign Valley Mall Boulevard Phase III Change Order Nos. 12, 13, 14, and 15. Motion carried unanimously.

Items from the
Audience

Phil Salzman. Ray Kempf thanked the Council for Resolution No. 811 in memory of Phil Salzman. He stated Phil was a wonderful neighbor and friend and added that Phil came here from California after serving in World War II. He stated he received an education as a glass blower in New York after the war, settled in Union Gap, and raised his family here. Mr. Kempf then recalled a time many years ago when the Boy Scouts needed a Fire Department representative and Phil stepped up and took on the responsibility. He stated Phil attended almost every Council Meeting and had a real heart for this community.

Signal Lights/Roundabouts. Fred Thomson suggested signal lights be added to South 18th Street & Mead Avenue and South 18th Street and Washington Avenue to handle traffic overflow when the roundabouts are installed.

Develop Agenda for
Sept. 28, 2009 Council
Meeting

Noise Ordinance. Mayor Lemon informed he requested a noise ordinance relating to noise from cars be added to the next agenda.

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 – August 2009; Tourism Promoter Status Report – August 2009; and Police Department Annual Report for 2007/2008.

N. Rudkin Road & Ahtanum/Main Street Projects. The Public Works Director stated the City received funding for grind and overlay of North Rudkin Road and Ahtanum/Main Street. He informed the work was supposed to begin before Labor Day, but the contractor got started late. He stated the contractor has upgraded the curb cuts at Main and Ahtanum and will be finishing that project before moving to North Rudkin Road.

Ahtanum Road Signal Crossing. The Public Works Director reported the City received funding for the Ahtanum Road Signal Crossing and has selected a consultant for that project. They recently completed a historic preservation report and are working with the Development Coordinator to get the report sent out to the Yakama Nation for comment. He stated an agreement for the review and design of the project will be coming to Council from Kittelson Engineers.

Council Member Wentz questioned the timeframe for the signal crossing project.

The Public Works Director stated they had hoped to complete this project before school started, but now it will most likely be completed in the Spring.

Communications/
Questions/Comments

There were no communications/questions/comments.

Adjournment

At 7:57 p.m., Mayor Lemon adjourned the Regular Council meeting.

These minutes dated September 14, 2009 were approved at the Regular Council Meeting of September 28, 2009.

Jim Lemon, Mayor

ATTEST:

Kathryn Thompson, CMC, City Clerk