

UNION GAP CITY COUNCIL

REGULAR MEETING AGENDA

MONDAY, FEBRUARY 23, 2015 – 6:00 P.M.

CITY HALL ANNEX, 3103 2ND STREET, UNION GAP

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

II. CONSENT AGENDA:

There will be no separate discussion of these items unless a Council Member requests in which event the item will be removed from the Consent Agenda and considered immediately following the Consent Agenda. All items listed are considered to be routine by the Union Gap City Council and will be enacted by one motion.

A. Approval of Minutes:

Regular Council Meeting Minutes, dated February 9, 2015, As attached to the Agenda and maintained in electronic format.

B. Approve Vouchers:

Claims Vouchers – EFT's and Voucher Nos. 89615 through 89677 for February 23, 2015, in the amount of \$191,303.49;

Petty Cash Vouchers - Voucher No. 1836 for the month of January 2015, in the amount of \$60.00;

Resolution No. _____ - Amendment to Clary Development Agreement.

III. ITEMS FROM THE AUDIENCE: - First Opportunity

-The City Council will allow comments under this section on items NOT already on the agenda. Where appropriate, the public will be allowed to comment on agenda items as they are addressed during the meeting. Please signal staff or the chair if you wish to take advantage of this opportunity. Each speaker will have three (3) minutes to address the City Council. Any handouts provided must also be provided to the City Clerk and are considered a matter of public record.

IV. GENERAL ITEMS

Public Hearing

Closed Record Hearing - DiMario Management Partnership Rezone.

Public Safety

Fire Services Update/Life Safety Award – Chief Bob Stewart.

Finance & Administration

Resolution No. _____ - Local Government Investment Pool (LGIP).

Public Works/Community Development

1. Ordinance No. _____ -DiMario Management Partnership Rezone;
2. Resolution No. _____ - HLA Task Order 2015-1 – Beltway Design and Construction;
3. Resolution No. _____ - Advertise for Bids – Longfibre Road/Beltway Extension;
4. Resolution No. _____ - Setting a Public Hearing – Regional Beltway Benefit Area;
5. Draft SEID Application – Borton & Sons, Inc.

V. ITEMS FROM THE AUDIENCE: - Final Opportunity - The City Council will allow comments under this section on items NOT already on the agenda. Each speaker will have three (3) minutes to address the City Council. Any handouts provided must also be provided to the City Clerk and are considered a matter of public record.

VI. CITY MANAGER REPORT

VII. COMMUNICATIONS/QUESTIONS/COMMENTS

VIII. DEVELOPMENT OF NEXT AGENDA

IX. ANY OTHER BUSINESS

X. ADJOURN REGULAR MEETING



City Council Communication

Meeting Date: February, 23 2015
From: David Spurlock; Deputy Director of Public Works & Community Development
Topic/Issue: Closed Record Hearing – DiMario Management Partnership Rezone

SYNOPSIS: hold a Closed Record Hearing for February 23, 2015 at 6:00 p.m. regarding a site specific rezone application from DiMario Management Partnership. The applicant wishes to rezone property from Light Industrial (LI) to Wholesale Warehouse (WW).

RECOMMENDATION: hold a Closed Record Hearing for the DiMario Management Partnership rezone.

LEGAL REVIEW: NA

FINANCIAL REVIEW: NA

BACKGROUND INFORMATION: the Hearing Examiner held an open record public hearing on January 28, 2015, and a resolution was approved on February 9, 2015 to hold the public hearing.

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: N/A



City Council Communication

Meeting Date: February 23, 2015

From: Gregory Cobb, Acting Public Safety Director

Topic / Issue: Fire Department Update / Life Saving Award – Chief Bob Stewart

SYNOPSIS: Chief Bob Stewart will provide an update on Fire Department activities. He will also present a Life Saving Award to Barbara Bryan for conducting CPR and resuscitating her boyfriend.

RECOMMENDATION: N/A

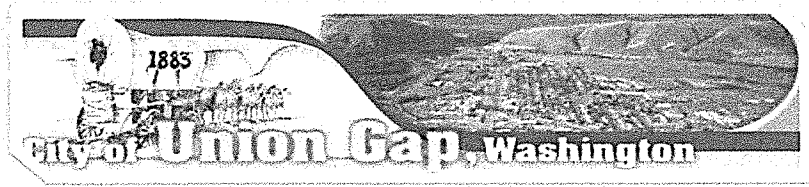
LEGAL REVIEW: N/A

FINANCIAL REVIEW: N/A

BACKGROUND INFORMATION: N/A

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: N/A



City Council Communication

Meeting Date: February 23, 2015
From: Karen Clifton, Director of Finance and Administration
Topic/Issue: Resolution – Local Government Investment Pool

SYNOPSIS: The Local Government Investment Pool (LGIP) is requesting a resolution from all of their members to participate in the LGIP program.

RECOMMENDATION: Approve a resolution for participating in the LGIP.

LEGAL REVIEW: N/A

FINANCIAL REVIEW: N/A

BACKGROUND INFORMATION: N/A

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: Resolution

CITY OF UNION GAP, WASHINGTON
RESOLUTION NO. - _____

A **RESOLUTION** authorizing the City to continue to invest in the Local Government Investment Pool (LGIP).

WHEREAS, pursuant to Chapter 294, Laws of 1986, the Legislature created a trust fund to be known as the public funds investment account (commonly referred to as the Local Government Investment Pool (LGIP)) for the contribution and withdrawal of money by an authorized governmental entity for purposes of investment by the Office of the State Treasurer;

WHEREAS, from time to time it may be advantageous to the authorized governmental entity, City of Union Gap, the “governmental entity”, to contribute funds available for investment in the LGIP;

WHEREAS, the investment strategy for the LGIP is set forth in its policies and procedures;

WHEREAS, any contributions or withdrawals to or from the LGIP made on behalf of the governmental entity shall be first duly authorized by the City of Union Gap, the “governing body” or any designee of the governing body pursuant to this resolution, or a subsequent resolution;

WHEREAS, the governmental entity will cause to be filed a certified copy of said resolution with the Office of the State Treasurer;

WHEREAS, the governing body and any designee appointed by the governing body with authority to contribute or withdraw funds of the governmental entity has received and read a copy of the prospectus and understands the risks and limitations of investing in the LGIP;

WHEREAS, the governing body attests by the signature of its members that it is duly authorized and empowered to enter into this agreement, to direct the contribution or withdrawal of governmental entity monies, and to delegate certain authority to make adjustments to the incorporated transactional forms, to the individuals designated herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP, WASHINGTON, HEREBY RESOLVES as follows:

The governing body does hereby authorize the contribution and withdrawal of governmental entity monies in the LGIP in the manner prescribed by law, rule, and prospectus.

The governing body has approved the Local Government Investment Pool Transaction Authorization Form (Form) as completed by the City of Union Gap and incorporates said form into this resolution by reference and does hereby attest to its accuracy.

The governmental entity designates Karen Clifton, Director of Finance and Administration, the “authorized individual” to authorize all amendments, changes, or alterations

to the Form or any other documentation including the designation of other individuals to make contributions and withdrawals on behalf of the governmental entity.

This delegation ends upon the written notice, by any method set forth in the prospectus, of the governing body that the authorized individual has been terminated or that his or her delegation has been revoked. The Office of the State Treasurer will rely solely on the governing body to provide notice of such revocation and is entitled to rely on the authorized individual's instructions until such time as said notice has been provided.

The Form as incorporated into this resolution or hereafter amended by delegated authority, or any other documentation signed or otherwise approved by the authorized individual shall remain in effect after revocation of the authorized individual's delegated authority, except to the extent that the authorized individual whose delegation has been terminated shall not be permitted to make further withdrawals or contributions to the LGIP on behalf of the governmental entity. No amendments, changes, or alterations shall be made to the Form or any other documentation until the entity passes a new resolution naming a new authorized individual; and

The governing body acknowledges that it has received, read, and understood the prospectus as provided by the Office of the State Treasurer. In addition, the governing body agrees that a copy of the prospectus will be provided to any person delegated or otherwise authorized to make contributions or withdrawals into or out of the LGIP and that said individuals will be required to read the prospectus prior to making any withdrawals or contributions or any further withdrawals or contributions if authorizations are already in place.

PASSED this 23rd day of February, 2015.

Roger Wentz, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Clifton, City Clerk

Bronson Brown, City Attorney



City Council Communication

Meeting Date: February 23, 2015
From: David Spurlock; Deputy Director of Public Works & Community Development
Topic/Issue: Ordinance – DiMario Management Partnership Rezone

SYNOPSIS: Consider accepting recommendation of Union Gap Hearing Examiner regarding the rezone application of DiMario Management Partnership.

RECOMMENDATION: Approve an ordinance based on the attached finding of facts.

LEGAL REVIEW: City attorney has reviewed ordinance.

FINANCIAL REVIEW: N/A

BACKGROUND INFORMATION: The council may either accept or reject the recommendation of the hearing examiner. If the recommendation is accepted adopt ordinance to finalize the action. If the recommendation is rejected then a new closed record public hearing must be held before making a decision. If approved the ordinance would reclassify approximately 7.55 acres on the south side of Valley Mall Boulevard and west of Goodman Road from Light Industrial to Wholesale Warehouse.

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: 1. Ordinance
2. Hearing Examiner Recommendation

CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. _____

WHEREAS, Chapter 35A.63 of the Revised Code of Washington authorizes the City Council of the City of Union Gap to adopt and amend official controls including zoning ordinances and zoning maps; and,

WHEREAS, the City of Union Gap City Council did pass Ordinance 2715, amending the City of Union Gap Comprehensive Plan 'Future Land Use Map' 2011. The revised map has three broad designations instead of attempting to mirror the categories of the Union Gap Zoning Map. These categories are Residential, Non-Residential and Special Study Area. The site and surrounding lands are designated as Non-Residential; and,

WHEREAS, the City of Union Gap Hearing Examiner did advertise and held a public hearing for the purpose of hearing testimony for and against the proposed application 2014.0264.RZ0001 for site specific rezone of two (2) individual parcels totaling approximately 7.55 acres from Light Industrial (L-I) to Wholesale Warehouse (WW), all persons present desiring to speak for or against or in relation to the amendment were given a full and complete opportunity to be heard, the Council has considered the Hearing Examiner's recommendation of APPROVAL, and the Council was satisfied that the matter has been sufficiently considered; and,

WHEREAS, the Council concurs with the Hearing Examiner's findings of fact and conclusions and adopts the same by reference hereto; now, therefore,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNION GAP:

Section 1. Findings. The recitals set forth above are incorporated herein as the City Council's Findings. Further, the Hearing Examiner's Findings and Conclusions are adopted as the City Council's Findings and Conclusions by this reference.

Section 2. Amendment. The following described real property is hereby reclassified from Light Industrial (L-I) to Wholesale Warehouse (WW):

Tax Parcel No. 181201-11403

Lot 3 of Short Plat No. 7282503. Records of Yakima County, Washington (3.71 acres)

Tax Parcel No. 181201-11404

Lot 4 of Short Plat No. 7282503. Records of Yakima County, Washington (3.84 acres)

Section 3. This ordinance, implementing zoning map amendment number 2014.0264.RZ0001, shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

PASSED this 23rd day of February, 2015.

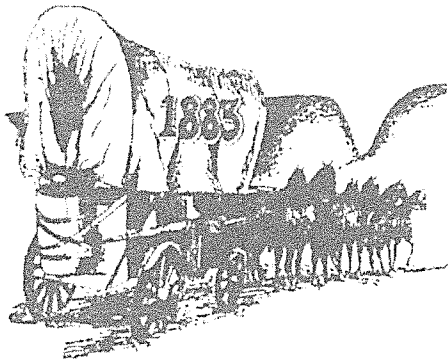
Roger Wentz, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Clifton, City Clerk

Bronson Brown, City Attorney



City of Union Gap

"The Old Town with New Ideas"

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CITY OF UNION GAP

NOTICE OF HEARING EXAMINER RECOMENDATION

To: Participating Parties

From: David Spurlock, CBO Deputy Director
Public Works and Community Development

Subject: Notice of Written Recommendation: File Nos. 2014.0264.RZ001 &
2014.0252.SE0011
DiMario Management Partnership /Property Owner
Bill Almon Jr/Applicant

Date: February 5, 2015

On Wednesday, July 18, 2015 the Union Gap Hearing Examiner conducted a public hearing on the above matter. On February 2, 2105 the Hearing Examiner issued a written recommendation to approve the request subject to conditions.

The recommendation will be forwarded to City Council for final action. The Council will hold a closed record hearing on the matter

If you have any questions or need to discuss this matter in more detail please call me at 575-3638.

Gary M. Cuillier

ATTORNEY AT LAW

314 N. SECOND STREET
YAKIMA, WASHINGTON 98901

(509) 575-1800
FAX: (509) 452-4601

February 2, 2015

Union Gap Building/ Planning Department
Attn: David Spurlock
102 West Ahtanum Road
Union Gap, WA 98903

Re: Hearing Examiner's Recommendation – 2014.0264.RZ001 & 2014.0252.
SE0011 – DiMario Management Partnership to Rezone Property on the Southwest
Corner of the Intersection of Goodman Road with Valley Mall Boulevard from the Light
Industrial (L-1) to the Wholesale Warehouse (WW) Zoning District

Dear David,

Enclosed is the Hearing Examiner's Recommendation regarding the above-entitled matter. Please contact me if you have any questions. Thank you.

Yours very truly,



KEVIN R. RICHARDSON
Legal Secretary to
GARY M. CUILIER

KRR: krr
Enclosure

**CITY OF UNION GAP
HEARING EXAMINER'S RECOMMENDATION**

January 31, 2015

In the Matter of a Request for a)	
Rezone Submitted by:)	
)	2014.0264.RZ001
DiMario Management Partnership)	2014.0252.SE0011
)	
To Rezone Property on the South-)	
West Corner of the Intersection of)	
Goodman Road with Valley Mall)	
Blvd. from the Light Industrial)	
(L-I) to the Wholesale/Warehouse)	
(W/W) Zoning District)	

A. Introduction. The preliminary findings relative to the public hearing process for this application may be summarized as follows:

- (1) The Hearing Examiner conducted an open record public hearing for this application on January 28, 2015.
- (2) The staff report presented by Public Works & Community Development Deputy Director David Spurlock recommended approval of this application.
- (3) The owner of adjacent property on the south was assured that the proposed rezone would not have an effect on the right to use that property for a current grandfathered use. No testimony or written comments were presented in opposition to this application for a rezone.
- (4) This recommendation has been submitted within 10 business days of the hearing.

B. Summary of Recommendation. The Hearing Examiner recommends that the Union Gap City Council approve this rezone request.

C. Basis for Recommendation. Based upon a view of the site with no one else present on January 28, 2015; the staff report, exhibits, testimony and other evidence presented at an open record public hearing on January 28, 2015; and a consideration of the Goals and Policies of the Union Gap Comprehensive Plan and the applicable criteria for rezones set forth in the Union Gap Development Code; the Hearing Examiner makes the following:

FINDINGS

I. Applicant/Property Owner. The applicant is Bill Almon, Jr. of Almon Commercial Real Estate, 218 East SSgt Pendleton Way, Yakima, WA 98901 on behalf of property owner DiMario Management Partnership, 52 Lincoln Shores Estates, Lincoln City, OR 97367.

II. Location. The two parcels involved in this application are located at the southwest corner of the intersection of Goodman Road with Valley Mall Boulevard. The parcel numbers are 181201-11403 and 181201-11404.

III. Application. This is a request to rezone two undeveloped parcels totaling 7.55 acres west of Costco on the opposite side of Goodman Road. The request is to rezone the property from the Light-Industrial zoning district to the Wholesale/Warehouse zoning district. This nonproject rezone is requested to allow more flexibility as to potential future uses such as the

W/W Class (1) use for an automobile dealership which has shown interest in the property.

IV. Notices. Notices of the open record public hearing of January 28, 2015, and of the SEPA Determination of Nonsignificance were provided in the following ways:

Mailing of hearing notice to property owners within 300 feet:	December 17, 2014
Posting of hearing notice on the property:	December 17, 2014
Publishing of hearing notice in the Yakima Herald-Republic:	December 20, 2014
Notice of DNS to SEPA Reviewing Agencies & Interested Parties:	January 8, 2015

V. Environmental Review. As a result of environmental review of this application, a SEPA Determination of Nonsignificance (DNS) was issued on January 8, 2015, which became final without any appeal.

VI. Zoning and Land Uses. The two parcels involved in this application are currently zoned Light Industrial (L-I). There are currently no land uses on the property. Properties adjacent to these two parcels have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Land Use</u>
North	Regional Commercial (C2)	Undeveloped
South	Light Industrial (L-I)	Undeveloped
East	Central Business District (CBD)	Costco
West	Light Industrial (L-I)	King Beverage/Distribution

VII. Rezone Criteria. Subsection 17.25.030(C) of the Union Gap Development Code

provides that the following eight criteria shall be documented in considering proposed rezones:

(1) **The testimony at the public hearing:** The only testimony at the public hearing consisted of Mr. Spurlock's recommendation favoring approval of this rezone request and an adjacent property owner's question about continuing the existing use of adjacent property.

(2) **The suitability of the property in question for the uses permitted under the proposed zoning:** The property in question is suitable for the uses permitted under the proposed Wholesale/Warehouse zoning for several reasons. The property fronts on Goodman Road which is a two-lane local access road connecting with Valley Mall Boulevard at the north boundary of the property. Goodman Road is the access point for the property because Valley Mall Boulevard is a restricted access roadway and direct access is not permitted. Goodman Road is planned to be extended to the south to connect with Ahtanum Road in the future. Access to and from the property by way of Goodman Road will not pass through residential areas. The City has procured a grant to provide signalization and complete improvements at the Valley Mall Boulevard/Goodman Road intersection. The site is flat. Water service, sewer service and other utilities can be used to serve the site. In addition, in order for this criterion to be satisfied for a nonproject rezone where no specific use is proposed, the property must be found to be suitable for all of the Class (1) uses that are permitted outright in the Wholesale/Warehouse zoning district. Although some of the Class (1) uses may be subject to regulations such as sitescreening under certain circumstances or to environmental review where conditions may be imposed, some of them may be established without compliance with such regulations or be categorically exempt from such review depending upon their size and type. All of the Class (2) and Class (3) uses in the Wholesale/Warehouse zoning district will be subject to administrative or public hearing review where conditions may be imposed. Therefore, to satisfy this criterion, testimony at the hearing was presented to the effect that the subject property would be suitable for any use allowed outright as a Class (1) use in the Wholesale/Warehouse zoning district. All of the potential uses that would be allowed outright as Class (1) uses were read into the record at the hearing followed by testimony to the effect that the property would be suitable for all of those uses permitted outright under the proposed Wholesale/Warehouse zoning. There was no testimony to the contrary. Those Class (1) uses permitted outright in the Wholesale/Warehouse zoning district are as follows:

(a) Agricultural (Commercial) Class (1) Uses: Agricultural, horticulture, general farming (not feedlots and stockyards); Agricultural building; Agricultural related industries; Animal husbandry; Floricultural, aquaculture.

(b) Amusement and Recreation Class (1) Uses: Game and electronic game rooms; Gymnasiums, exercise facilities; Parks; Fire stations, police stations and ambulance service; Libraries; Museums, art galleries; Storage of gravel and equipment for street construction.

(c) Manufacturing Class (1) Uses: Aircraft parts; Apparel and accessories; Bakery products (wholesale); Beverage industry; Confectionery and related products (wholesale); Cutlery, hand tools and general hardware / product assembly; Drugs; Electrical transmission and distribution equipment; Electronic components and accessories / product assembly; Fabricated structural metal products; Food processing; Furniture and custom cabinet shop / product assembly; Glass, pottery and related products / product assembly; Grain mill products; Heating apparatus wood stoves; Machinery and equipment; Marijuana processing business; Marijuana production business; Medical, optical, dental and scientific instruments / product assembly; Meat, poultry and dairy products; Metal cans; Paperboard containers and boxes; Plastic products / product assembly / injection and extrusion molding; Printing, publishing and binding; Printing trade (service industries); Sheet metal and welding shops; Sign manufacturing; Stone products (includes finishing of monuments for retail sale); Transportation equipment, including trailers and campers; Woodworking and wood products (cabinets, shelves, etc.).

(d) Retail Trade and Service Class (1) Uses: Addressing, mail and stenographic services; Advertising agencies; Auction house; Automobile sales; Automobile, car wash / maintenance and repair shops / paint and body shops / parts and accessories (tires, batteries, etc.) / specialized repair shops (radiator, engine, etc.) / towing service; Bakery; Beauty and barber shops; Boats and marine accessories; Books, stationery, office supplies; Building and trade contractor (plumbing, heating, electrical, etc.); Butcher shop; Camera store; Candy store; Clothing and accessories; Coin and stamp shop; Commercial services; Computer and electronics stores; Delicatessen; Department, discount, variety stores; Drug stores (optical goods, orthopedic supplies); Employment agency; Fabric store; Farm and implements, tools and heavy construction equipment; Farm supplies; Financial institutions; Florist; Food

store, specialty; Fuel, oil and coal distributors; Furniture, home furnishing, appliances; General hardware, garden equipment and supplies; Gift shop; Grocery/convenience store (closed 10:00 p.m. to 6:00 a.m.) / same (open 10:00 p.m. to 6:00 a.m. - 24 hr.); Heating and plumbing equipment stores retail; Heating and plumbing equipment stores wholesale only; Heavy equipment storage, maintenance and repair; Insurance agents, brokers and service agencies; Jewelry, watches, silverware sales and repair; Laundries; Liquor stores; Lumber yards; Manufactured home and recreational vehicle sales; Motels and hotels; Motor vehicle fuel sales; Motorcycle sales and repair (maintenance, repair and parts); Music stores; Nursery; Paint, glass and wallpaper sales; Pet stores, pet supplies, dog grooming and training; Printing, photocopy service; Professional office building for architects, attorneys, government, etc.; Radio/TV studio; Real estate office; Recycling center; Rental / Automobile / Small tools and equipment / Truck and/or trailer, fleet leasing services / Heavy equipment; Repairs (small appliances, TV, electronics, business machines, watches, etc.); Locksmith and gunsmith; Re-upholstery and furniture; Small engine and garden equipment; Restaurants, cafes and drive-in eating facilities; Second hand store; Shoe repair and shoe shine shop; Technical equipment sales; Toy and hobby store; Truck service sales and shops; Video sales/rental.

(e) Transportation Class (1) Uses: Electric vehicle battery charging station; Bus terminals, storage and maintenance facilities; Transportation brokerage offices without or with truck parking; Contract truck hauling, rental of trucks with drivers; Air, rail, truck terminals (for short term start, office, etc.).

(f) Utility Class (1) Uses: Utility services (substations, etc.).

(g) Wholesale Trade – Storage Class (1) Uses: Warehouses; Wholesale trade; Storage facilities, bulk (commercial); Storage facilities, bulk (residential ministorage).

(3) The recommendation from interested agencies and departments: The only recommendation from interested agencies and from interested departments is the recommendation of Mr. Spurlock to approve the requested rezone. The Washington State Department of Ecology did provide a comment dated January 7, 2015, inquiring as to the existence of wetlands on the south portion of the property and filling on the property. The City has determined from GIS records and aerial photography records that there apparently was a staging area on the northern portion of the property during construction of Valley Mall

Boulevard, but it does not appear that there was any disturbance of the southern portion of the property. The property is routinely disced and mowed to maintain weeds. Russian olive trees historically grew on the southern portion of the property. Even though City of Union Gap and Yakima County Critical Areas Maps do not refer to wetlands on the property, further investigation will be conducted prior to any grading or construction. The question as to wetlands, however, does not affect the suitability of the property for the uses allowed in the Wholesale/Warehouse zoning district.

(4) The extent to which the proposed amendment is in compliance with and/or deviates from the goals and policies as adopted in the Union Gap Comprehensive Plan and the intent of this title: The subject property and surrounding properties are within the Non-Residential Comprehensive Plan designation. The requested rezone is in compliance with Union Gap Comprehensive Plan Goal LU 3 which is to promote orderly and cost-effective growth and new development; Policy LU 3.2 which provides that the City’s future land use map shall designate the areas most suitable for non-residential development or mixed-use development and that parcels in these areas may at the request of the property owners be rezoned to support commercial or industrial uses; Goal LU 6 which is to support a strong and diverse commercial and industrial base; and Policy LU 6.4 which is to direct industrial land uses toward sites which have adequate arterial and/or rail transportation service capacity, close proximity to existing and planned utility systems in order to optimize the cost of providing essential public services, sufficient size to meet parking, landscape and buffer requirements, and adequate expansion space to meet future needs. The requested rezone is also in compliance with zoning ordinance provisions in Title 17 of the Union Gap Municipal Code which indicate in Subsection 17.03.030(I) that the intent of the Wholesale/Warehouse zone is to provide for a combination of manufacturing, warehouse and industrially-oriented commercial uses served by a full range of urban services and having access by way of a paved street with street improvements.

(5) Consistency of the proposed zoning with the future land use map of the Union Gap Comprehensive Plan: The requested Wholesale/Warehouse zoning would be consistent with the “Non-Residential” Comprehensive Plan future land use map designation for the subject property and the surrounding properties.

(6) The adequacy of public facilities, such as roads, sewer, water and other required public services and whether appropriate measures have been made to

maintain the required level of service adopted by the Union Gap Comprehensive Plan: Since this is a request for a nonproject rezone, appropriate measures will be required to maintain the required level of service and the adequacy of public facilities such as streets, sewer, water and other required public services when applications are submitted for specific development permits.

(7) The compatibility of the proposed zone change and associated uses with neighboring land uses: The Wholesale/Warehouse uses would be compatible with neighboring land uses because neighboring land uses include the large Costco building and parking area on the east, a large King Beverage/Distribution facility on the west, undeveloped property across a wide street on the north, and undeveloped property on the south.

(8) The public need for the proposed change: Significant changes have occurred in the Upper Yakima Valley, and specifically in Union Gap, as well as in market conditions generally, that warranted reexamination and revision of the Comprehensive Plan to be more general and flexible. The proposed rezone would be a continuation of the changing land use patterns for lands west of the railroad tracks along Valley Mall Boulevard, Longfibre Road and Ahtanum Road. As the available commercial and industrial lands east of the railroad tracks have been developed, developers have focused on properties in the western part of the City. The public need for the requested zoning change includes a public need for flexibility to develop a variety of industrial and commercial uses on development sites in areas where such uses will be compatible with similar nearby land uses. There are a limited number of development sites within the City that can fulfill the public need for Wholesale/Warehouse uses at a location where they will be compatible with neighboring land uses.

CONCLUSIONS

Based upon the foregoing findings, the Hearing Examiner reaches the following conclusions:

(1) The Hearing Examiner has jurisdiction to recommend approval of a rezone by the Union Gap City Council.

(2) A SEPA Determination of Nonsignificance was issued for this rezone request on January 8, 2015, which became final without any appeal being filed.

(3) Notices were given for the open record public hearing in accordance with applicable ordinance requirements.


(4) The requested rezone is consistent with the use, density, utility and development standards of the City's Comprehensive Plan and Zoning Ordinance.

(5) The requested rezone satisfies all of the requisite criteria set forth in Subsection 17.25.030(C) of the Union Gap Development Code.

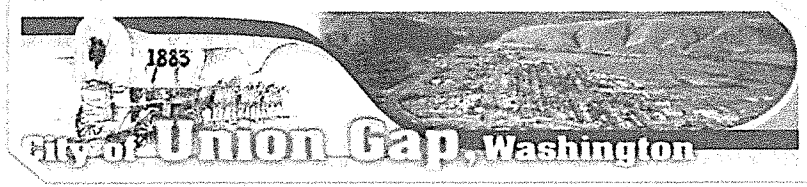
RECOMMENDATION

Based on the testimony and exhibits submitted at the public hearing on January 28, 2015, the Hearing Examiner recommends that the Union Gap City Council rezone parcel numbers 181201-11403 and 181201-11404 from the Light Industrial (L-I) zoning district to the Wholesale/Warehouse (W/W) zoning district in accordance with the application and other documents in the record that were submitted for file numbers 2014.0264.RZ001 and 2014.0252.SE0011.

DATED this 31st day of January, 2015.



Gary M. Cuillier, Hearing Examiner



City Council Communication

Meeting Date: February 23, 2015
From: Dennis Henne; Director of Public Works & Community Development
Topic/Issue: Resolution - HLA Task Order 2015-1 – Beltway Design and Construction

SYNOPSIS: Task Order 2015-1 Beltway Extension Phase 1, Design and Construction. At the direction of the City, HLA shall provide professional engineering and surveying services on the Beltway Extension Design and Construction.

RECOMMENDATION: Adopt a Resolution authorizing the City Manager to sign Task Order 2015-1 with Huibregtse, Louman Associates, Inc. relating to the Beltway Extension Phase 1, Design and Construction.

LEGAL REVIEW: NA

FINANCIAL REVIEW: Funding for this project is included in the 2015 Infrastructure Reserve Fund (124) budget.

BACKGROUND INFORMATION:

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: 1. Resolution
2. HLA Task Order 2015-1

CITY OF UNION GAP, WASHINGTON
RESOLUTION NO. _____

A RESOLUTION authorizing the City Manager to sign Task Order 2015-1 with Huibretgse Louman Associates, Inc. (HLA) for the Beltway Extension Phase 1, Longfiber Road Extension east approximately 1980 feet.

WHEREAS, the City of Union Gap (City) has been engaged in the planning process to construct the Beltway Extension;

WHEREAS, the City wishes to contract with HLA for the purpose of assisting the City in the Beltway Extension project through project coordination and professional engineering and surveying services associated with design and construction for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE UNION GAP CITY COUNCIL as follows:

That the City Manager is authorized to sign Task Order 2015-1 with Huibretgse Louman Associates, Inc. (HLA) for design and construction of the Beltway Extension Phase 1, Longfibre Road Extension east approximately 1980 feet.

PASSED this 23rd day of February, 2015.

Roger Wentz, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Clifton, City Clerk

Bronson Brown, City Attorney

TASK ORDER NO. 2015-1

REGARDING GENERAL AGREEMENT BETWEEN THE CITY OF UNION GAP
AND
HUIBREGTSE, LOUMAN ASSOCIATES, INC.

PROJECT DESCRIPTION:

Beltway Phase 1/Rose Street (PROJECT)
Goodman Road to Parcel No. 19120721001
HLA Project No. TBD

The City of Union Gap (CITY) desires to construct Rose St. from Goodman Road to the new Longfibre Road Extension intersection and construct the Beltway Road Phase 1 from Longfibre Road Extension intersection to the north line of Parcel No.19120721001. The PROJECT will consist of a new two lane asphalt paved street on Rose Street with paved shoulders and storm drainage swales and on the Beltway Road Phase 1 portion of the project, will consist of a new two lane gravel road, with storm drainage swales.

SCOPE OF SERVICES:

Huibregtse, Louman Associates, Inc. agrees to perform the following services:

Phase 1 - Environmental and Design Engineering Services

Phase 1A - Preliminary Engineering Design

- A. Perform the field investigations necessary to design the identified improvements.
- B. Conduct a topographic survey of project area as required to complete design, plans, and specifications.
- C. Prepare preliminary design plans for review and discussion with CITY staff.

Phase 1B - Environmental Compliance

- A. Assist CITY with State Environmental Review Process (SERP) requirements, including preparation of a SEPA checklist. An Environmental Impact Statement (EIS) is not anticipated to be required for this PROJECT. Should it be determined that an EIS must be prepared, it will be added as a separate and additional phase of work.
- B. Assist the CITY in obtaining approval of all governmental of other authorities having jurisdiction over the PROJECT and such approvals and consents from such other individuals or bodies as may be necessary for completion of the PROJECT.

Phase 1C - Final Engineering Design, Plans, and Specifications

- A. On the basis of approved preliminary plans, perform the final design, and prepare complete Plans and Specifications for bid call on the proposed work, as authorized by the CITY.
- B. Assist the CITY with securing approval of such governmental authorities as have jurisdiction over design criteria applicable to the PROJECT.

Phase 1D - Construction Contract Bidding Process

- A. Furnish forty (40) copies of the final Plans and Specifications for bidding.
- B. Answer and supply such information as is requested by prospective bidders.
- C. Prepare and issue addenda, if necessary.
- D. Prepare the Engineer's Estimate of construction cost.
- E. Attend bid opening and participate in the bid opening and evaluation process.
- F. Prepare tabulation of all bids received by the CITY and review bidder's qualifications.
- G. Make recommendation to the CITY of construction contract award to the lowest responsible bidder.

Phase 2 - Services during Construction

- A. Furnish a qualified resident engineer who shall make construction observations and be on the job site at all times that significant work is in progress, whose duty shall be to provide surveillance of project construction for substantial compliance with Plans and Specifications.
- B. Prepare and file progress reports on the PROJECT with the CITY and provide monthly progress estimates to the CITY.
- C. Consult and advise the CITY during construction and make a final report of the completed work.
- D. Monitor the Contractor's compliance with State labor standards.
- E. Review Contractor's submission of samples and shop drawings, where applicable.
- F. Recommend progress payments for the Contractor to the CITY.
- G. Prepare and submit proposed contract change orders when applicable.
- H. Prepare and furnish reproducible record drawings of all completed work from as-built drawings furnished by the CITY's Contractor.
- I. Participate in the 11th month warranty inspection and make recommendations to the Contractor for warranty work that needs to be addressed.

Items to Be Furnished and Responsibility of the CITY

The CITY will provide or perform the following:

1. Provide full information as to the CITY's requirements of the PROJECT.
2. The CITY shall assist the Engineer by placing at his disposal all available information pertinent to the site of the PROJECT including previous reports, drawings, plats, surveys, utility records, and any other data relative to design and construction of the PROJECT.
3. The CITY will examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by the Engineer and render in writing, decisions pertaining thereto within a reasonable time so as not to delay the work of the Engineer.
4. Obtain approval of all governmental authorities having jurisdiction over the PROJECT and such approvals and consents from such other individuals or bodies as may be necessary for completion of the PROJECT.
5. Provide backhoe and operator for potholing of existing utilities to identify potential conflicts during the design phase.

TIME OF PERFORMANCE:

Phase 1 - Environmental and Design Engineering Services

Environmental, permitting information, and preliminary engineering design shall be prepared and submitted to the controlling authority/authorities within 30 calendar days after the date of authorization to proceed. Plans, specifications, and estimates for all project elements shall be provided within 60 calendar days after the date of preliminary plan approval by the CITY.

Phase 2 - Services during Construction

Engineering Services during Construction shall begin upon construction contract award by the CITY and shall extend through construction contract completion.

FEE FOR SERVICES:

For the services furnished by the Engineer as described in this Task Order, the CITY agrees to pay the Engineer the fees as set forth herein. The maximum amounts listed below may be revised only by written agreement of both parties.

Phase 1 - Environmental and Design Engineering Services

The lump sum fee of \$55,000.00.

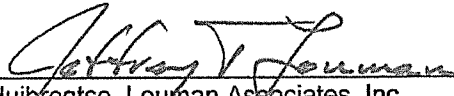
Phase 2 - Services during Construction

All work shall be performed on a time-spent basis at the normal hourly billing rates included in our General Agreement plus reimbursement for non-salary expenses with an estimated maximum amount of \$60,000.00, based on a contract-specified time of completion of 30 working days.

Additional Services

Any additional work requested by the CITY shall be performed on a time spent basis in accordance with Exhibit A - Schedule of Hourly Rates attached to the General Services Agreement, plus reimbursement for direct non-salary expenses such as laboratory testing, reproduction expenses, out of town travel costs, and outside Engineers.

Proposed:



Huijpregtse, Louman Associates, Inc.
Jeffrey T. Louman, President

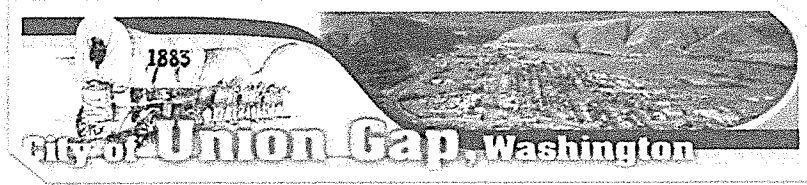
2/18/15

Date

Approved:

City of Union Gap
Rodney Otterness, City Manager

Date



City Council Communication

Meeting Date: February 23, 2015
From: Dennis Henne, Director of Public Works & Community Development
Topic/Issue: Resolution - Advertise for Bids – Longfibre Road /Beltway Extension

SYNOPSIS: The City on April 14, 2014 applied for Supporting Investments In Economic Diversification (SIED) Loan and Grant for the Longfiber Road Extension. HLA Task Order #2015-1 provides for the design and construction of approximately 1980 feet of road improvements (Beltway Phase I extension) extending east of the Longfibre Road Extension Phase I Project. Both projects are nearing completion of design and will require advertising for bids for construction.

The projects consist of two separate advertisements;

- Phase I Longfibre Road from Goodman Road east 1250' (Rose St. alignment) to Beltway Phase I extension,
- Beltway Extension Phase I from Longfibre Road east approximately 1980 feet.

RECOMMENDATION: approve a resolution authorizing staff to "Advertise for Bids" for construction of the Longfibre Road Phase I, and the Beltway Extension Project Phase I.

LEGAL REVIEW: NA

FINANCIAL REVIEW: NA

BACKGROUND INFORMATION: April 14, 2014 City Council Meeting and February 9th City Council Meeting

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: Resolution

CITY OF UNION GAP, WASHINGTON
RESOLUTION NO. _____

A RESOLUTION to authorize city staff to advertise for bid for construction the Longfibre Road phase I, and the Beltway Phase I Extension projects.

WHEREAS, the City of Union Gap (City) has been engaged in the planning process to construct the Beltway and Longfibre Road Extensions;

WHEREAS, on April 14, 2014 the City applied and was granted a loan and grant from the Supporting Investments In Economic Diversification (SIED) board for the Longfibre Road Extension Project;

WHEREAS, these projects are near completion of design and now are ready for construction;

NOW, THEREFORE, BE IT RESOLVED BY THE UNION GAP CITY COUNCIL as follows:

That the City staff is authorized to advertise for bid for construction the Longfibre Road Phase I, and the Beltway Phase I Extensions.

PASSED this 23rd day of February, 2015.

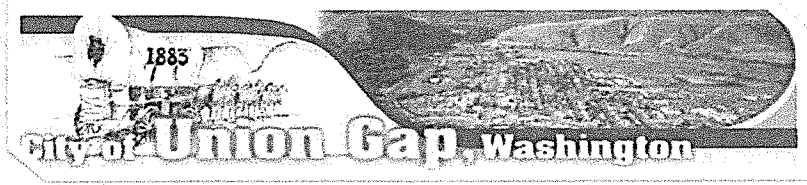
Roger Wentz, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Clifton, City Clerk

Bronson Brown, City Attorney



City Council Communication

Meeting Date: February 23, 2015
From: Dennis Henne, Director of Public Works & Community Development
Topic/Issue: Resolution - Setting a Public Hearing – Regional Beltway Benefit Area

SYNOPSIS: on April 17, 2014 the SEID board approved an application to provide loan/grant funding for the Longfibre Road Extension. City Council discussion included the establishment of a Regional Beltway Benefit Area to finance a portion of the SIED Loan.

RECOMMENDATION: approve a resolution setting a Public Hearing for March 9th, 2015 Regional Beltway Benefit Area Ordinance.

LEGAL REVIEW: Draft Regional Beltway Benefit Area Ordinance

FINANCIAL REVIEW: NA

BACKGROUND INFORMATION:

ADDITIONAL OPTIONS: N/A

ATTACHMENTS:

1. Resolution
2. Draft Ordinance
3. Exhibit

CITY OF UNION GAP, WASHINGTON
RESOLUTION NO. _____

A **RESOLUTION** setting a public hearing to consider the establishment of the Regional Beltway Benefit Area;

WHEREAS, the City Council for the City of Union Gap is considering establishing a Regional Beltway Benefit Area to recover costs for the installment and construction of a roadway(s) within the Regional Beltway Benefit Area;

WHEREAS, the City Council desires to set a public hearing to consider establishing a Regional Beltway Benefit Area;

NOW, THEREFORE, BE IT RESOLVED BY THE UNION GAP CITY COUNCIL as follows:

Section 1. That there shall be a public hearing to consider establishing a Regional Beltway Benefit Area before the City Council of the City of Union Gap, Washington, at its regularly scheduled meeting to be held on the 9th day of March, 2015 at 6:00 pm.

Section 2. This resolution shall be in effect immediately upon approval.

PASSED this 23rd day of February, 2015.

Roger Wentz, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Clifton, City Clerk

Bronson Brown, City Attorney

CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. _____

AN ORDINANCE creating Chapter _____ of the Union Gap Municipal Code, entitled "Regional Beltway Benefit Area"; establishing a Regional Beltway Transportation Benefit Area and establishing fees; and establishing an effective date.

WHEREAS, the City Council wishes to adopt a new Chapter _____ entitled Regional Beltway Benefit Area Benefit Area, to establish the transportation improvement benefit area, and to establish fees for properties within the improvement benefit area;

WHEREAS, the City of Union Gap has designed and is in the process of constructing road improvements for the Regional Beltway;

WHEREAS, the road improvements will provide properties in the benefit area with better access to and from their properties;

WHEREAS, the new Regional Beltway roads will service a benefit area of at least 333.29 acres (see Exhibit 1 attached to this ordinance) and will service a benefit area minus the flood plain area and the excluded Plath Parcels of at least 173.88 acres

WHEREAS, based on monies to construct and install the roads in the benefit area for the Regional Beltway the cost will be about \$985,000. (see Exhibit 1)

WHEREAS, based on total project cost of \$985,000 the fees for property owners within the benefit area will be assessed at \$5,000 per acre if total fees are paid by December 31, 2015 and \$6,000 per acre for fees paid after December 31, 2015.

WHEREAS, it is the intention of the City that fees be assessed against the property owners within the benefit area set forth in Exhibit 1. These fees are intended as a means for the City to recover its capital costs associated with the installation of the road improvements identified in Exhibit 1;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP, WASHINGTON does hereby ordain as follows:

Section 1. Union Gap Municipal Code Chapter _____, entitled "Regional Beltway Benefit Area" created.

A new Union Gap Municipal Code Chapter _____ is created as follows:

_____ **Regional Beltway Benefit Area**

A Regional Beltway Benefit Area (Benefit Area) is hereby established for the purpose of assessing fees to recover the City's capital

costs in improving and constructing the roadway within the Benefit Area. The Benefit Area is that area indicated on the Attached Exhibit 1.

_____ Fees for Properties within the Regional Beltway Benefit Area.

Fees shall be assessed for roadway improvements within the Benefit Area set forth and depicted in Exhibit 1. Fees shall be assessed to all property owners within the benefit area unless the property is located in the area not included within the Benefit Area as depicted in Exhibit 1. Said fees are assessed for the purpose of recovering capital costs associated with the installation and construction of the roadway(s) within the benefit area.

The amount of the assessed fees shall be as follows:

\$5,000 per acre for property within the Benefit Area (Exhibit 1) if payment of fees are paid in full by December 31, 2015

\$6,000 per acre for property within the Benfit Area (Exhibit 1) if fees are paid at any time after December 31, 2015

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ORDAINED this ____ day of _____ 2015.

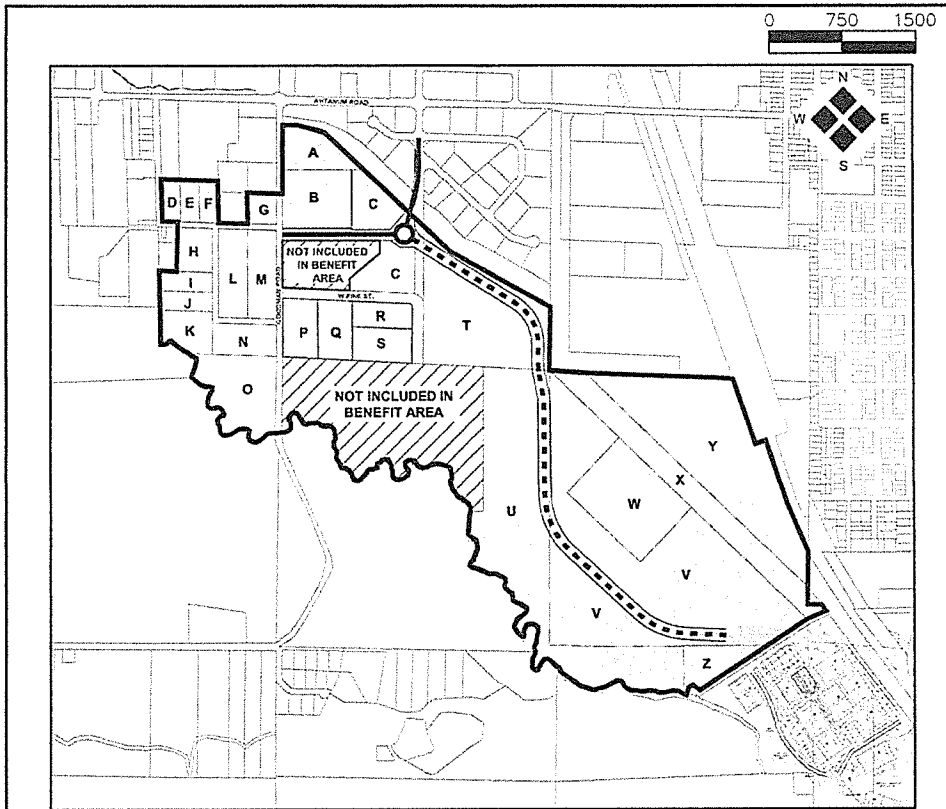
Roger Wentz, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Clifton, City Clerk

Bronson Brown, City Attorney



BENEFIT AREA INFORMATION

PARCEL	PARCEL NO.	*OWNER	AREA (ACRES)
A	191206-632003	SENTINEL PROPERTIES LLC	6.03
B	191206-32007	STATSMITH YAKIMA LLC	9.7
C	191206-33407	AHTANUM GAP LLC	15.89
D	181201-141418	HANSEN TRANSFER LLC	1.83
E	181201-41419	HANSEN TRANSFER LLC	1.91
F	181201-41420	HANSEN TRANSFER LLC	1.91
G	181201-41413	HANSEN TRANSFER LLC	2.16
H	181201-44405	HANSEN TRANSFER LLC	3.69
I	181201-44406	HANSEN TRANSFER LLC	2.48
J	181201-44407	HANSEN TRANSFER LLC	2.46
K	181201-44411	HANSEN TRANSFER LLC	4.74
L	181201-44408	HANSEN TRANSFER LLC	4.59
M	181201-44409	HANSEN TRANSFER LLC	5.61
N	181201-44410	HANSEN TRANSFER LLC	4.85
O	181212-11001	JEFFREY CHAMBERS	13.05
P	191206-33411	AHTANUM GAP LLC	3.27
Q	191206-33412	AHTANUM GAP LLC	4.68
R	191206-33413	AHTANUM GAP LLC	3.63
S	191206-33414	AHTANUM GAP LLC	4.87
T	191206-33403	AHTANUM GAP LLC	21.45
U	191207-21001	U.C.I.P. LLC	16.3
V	191207-13001	U.C.I.P. LLC	54.64
W	191207-12003	TM RENTALS	18.21
X	191207-12002	U.C.I.P. LLC	15.29
Y	191207-11007	TM RENTALS	34.07
Z	191207-41006	U.C.I.P. LLC	0.59

* Based on Yakima County Assessor Information Feb-2015.

P:\PROJECTS\2013\13080\13080 BENEFIT AREA.DWG

HLA
 Huibregtse, Louman Associates, Inc.
 Civil Engineering ♦ Land Surveying ♦ Planning

801 North 39th Avenue
 Yakima, WA 98902
 509.966.7000
 Fax 509.965.3800
 www.hla civil.com

**CITY OF UNION GAP
 REGIONAL BELTWAY**

BENEFIT AREA
 EXHIBIT



City Council Communication

Meeting Date: February, 23 2015
From: Dennis Henne, Director of Public Works & Community Development
Topic/Issue: Draft SEID Application – Borton & Sons, Inc.

SYNOPSIS: At the February 2, 2015 Public Works Council Committee meeting, Council directed staff to work with the Borton & Sons, Inc. to prepare a draft SEID application for the Borton Packing Center project.

RECOMMENDATION: Review and discuss, draft SEID application.

LEGAL REVIEW: NA

FINANCIAL REVIEW: NA

BACKGROUND INFORMATION: N/A

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: Draft SEID Application

Yakima County SIED Fund
Supporting Investments in
Economic Development

Application for Funding

**Yakima County SIED Board
Supporting Investments In Economic Diversification**

D. PRIVATE SECTOR COMMITMENT

D1. *In order to show that a specific private investment is ready to occur, but will do so only if SIED assistance is made available to the applicant, SIED requires a signed Contingency Agreement(s) between the applicant and the private sector representative(s). If a developer is involved, there must also be a signed Contingency Agreement between the developer and the proposed tenant.*

Complete Section D and a Contingency Agreement FOR EACH private sector entity.

D2. *Describe the proposed private development or expansion project that will be supported by the public facility project.*

Business: Borton & Sons Inc. ("Borton") is expanding and modernizing its fruit packing shipping and storage operations. They are also planning to build additional controlled atmosphere fruit storage buildings. The project will be a two-phase development: (1) Phase 1 will involve construction of a 100,000 square feet of packing facility, 200,000 square feet of cold storage along with various support facilities; and (2) Phase 2 will include a second packing line together with 200,000 square feet of controlled atmosphere storage. The project has an estimated build out cost of \$40,000,000 and construction will begin on Phase 1 in 2015. Public utilities and improvements will be constructed at the beginning of construction. A project and utility extension summary is attached. Attachment A.

D3. Name of private sector firm Borton & Sons Inc.
 2550 Borton Rd
 Yakima WA. 98903
 Phone 509-966-3905
 Fax 509-972-7325
 Contact John Borton

D4. *Explain why the private development requires the proposed public infrastructure improvements described in this application.*

The packing and storage facilities are to be located established municipal within the Union Gap Urban Growth Area (UGA) and water and sewer areas. Borton has initiated annexation by way of property owner petition. The site is well suited for commercial development but not served by public utilities. Municipal development standards requires extension of public utilities and improvements.

Yakima County SIED Board Supporting Investments In Economic Diversification

City of Union Gap sewer and water service area includes the proposed development property located at 21st Avenue and Ahtanum Road. City of Union Gap and Borton have reviewed and analyzed alternative routes for sewer and water extension. Preliminary cost estimates are set forth in Attachment A. The expansion and extension of utility service provides the further public benefit of making service available to other residential and commercial properties.

Ahtanum Road frontage will also need to be improved to City standards along the proposed development property. This is a component of public infrastructure for both project and adjacent commercial areas.

- D5. List the number of **projected** jobs, by job type, to be retained and/or created by the firm as a direct result of the public infrastructure project supporting the private development.

Jobs must be expressed in Full Time Equivalents (FTEs).

Wage data should exclude fringe benefits.

*Management positions should be indicated as an annual salary.

Job Description	Current # Of Jobs Retained** (In FTEs)	# Of Jobs Created Year 1 (In FTEs)	# Of Jobs Created by Year 3 (In FTEs)	Current or initial Hourly Wages	Local Occupational Hourly Wages***
Mgmt./Admin*		2		\$1,200/Wk	
Technical/Prof.		4		\$14/Hr	
Office/Clerical		4		\$14/Hr	
Production		120		\$9.47/Hr	
Sales		2		\$1,800/Wk	
Skilled Crafts		7		\$13/Hr	
Others		18		\$12/Hr	

- a) Number of Jobs **Retained NA. It should be noted that adjacent property would be converted to commercial/industrial zoning and development would add additional new employment.
- b) Projected annual gross payroll for all job classifications \$4,200,000 for Phase 1 development
- c) How many of these positions are for seasonal work? (In FTE) None

What kind of fringe benefits does the company offer to regular full time employees? Medical & bonus consideration

****Retained jobs are defined as jobs that would otherwise be lost to the county.**

- D6. Will this project displace existing jobs in any other part of the county? **NO.**

Yakima County SIED Board Supporting Investments In Economic Diversification

D7. How were job projections developed? Explain why the projections are realistic.

The growth of Borton & Sons apple production and storage capacity has significantly eclipsed our packing and shipping capacity. Therefore additional and improved packing capacity and shipping facilities are critical to meet projected production growth and requirements. The proposed new packing facilities will require additional staff to allow Borton to pack this quantity of fruit within a customary production schedule. The job creation projections are representative of a single shift operating a typical packing line with supporting staff and shipping operations.

Attach supporting information such as a business plan or year-end financial statements (financial statements may be unaudited). *The entire SIED application is considered a public record; however, financial and commercial information provided by the private business is exempt from disclosure to the extent permitted by 42.17 RCW.*

Attachment A

D8. Will the private sector project offer expanded employment opportunities to disadvantaged or unemployed workers? How will the firm work to hire people from Yakima County?

Borton & Sons will advertise in local job boards and contact Washington State employment security to make these job openings available to unemployed workers in Yakima County.

D9. Indicate the construction schedule (if applicable) for the proposed private sector project.

	(month/year)
Packing/shipping Facility Construction Begins	6/2015
Construction Completed	7/2016
Packing/shipping Facility Operational	9/2016

D10. List all permits required for the PRIVATE SECTOR PROJECT and give their current status (applied for, application being prepared, permit issued, etc.)

PERMIT/ENVIROMENTAL REVIEW	ISSUER	STATUS	ANTICIPATED COMPLETION DATE
SEPA	City of Union Gap	preparing to apply	3/2015

**Yakima County SIED Board
Supporting Investments In Economic Diversification**

Annexation	City of Union Gap	submitted	5/2015
Certificate of Zoning Review	City of Union Gap	preparing to apply	5/2015
Building/plumbing/HVAC	City of Union Gap	preparing to apply	5/2015
Storm water	City of Union Gap	preparing to apply	5/2015
General Waste water	Department of Ecology	preparing to apply	8/2015
Electrical	Labor & Industries	preparing to apply	5/2015

NOTE: ALL REQUIRED PERMITS TO COMPLETE THE PROJECT MUST BE SECURED WITHIN SIX MONTHS OF A SIED OFFER OF FINANCIAL AID.

D11. What private authorizations remain prior to proceeding with the proposed private development project?

Borton is prepared to proceed with the project. This project has been approved contingent upon receipt of SIED funds and referenced land use/development approvals.

D12. Explain how the private sector is financing their capital investment in this project. When will private sector financing be in place? Please list financial references that can verify financing sources and capacity for this project.

Borton will finance the project through corporate reserves, operating profits and structured debt financing. All funds are currently in place for the project.

Financial contact(s)___John Borton_phone#_509-966-3905

Dave Reed _phone# 509823-2721

**Yakima County SIED Board
Supporting Investments In Economic Diversification**

CONTINGENCY AGREEMENT

1. PARTIES.

The parties to this Agreement are City of Union Gap and Borton & Sons Inc.

2. PURPOSE.

The purpose of this Agreement is to clarify the intentions of the parties regarding the completion of *THE PUBLIC FACILITIES PROJECT*. This section should also contain an explanation of the need for the public improvements.

Borton & Sons is expanding and modernizing its fruit packing and shipping operations. Borton will also be increasing controlled atmosphere fruit storage. The planned development consists of approximately 100,000 square feet of packing facility and 200,000 square feet of cold storage along with various support facilities. This expansion is scheduled to start as soon as permits can be obtained.

This development requires sanitary sewer and drinking water services for employees working in this facility.

The city of Union Gap sewer and water service area includes the proposed development property but sewer service is not currently available at the annexation property.

As a part of construction of any new phase of development, sewer, water extensions and road improvements need to be made. Borton will participate in the expense of extending water and sewer service to the development and road frontage improvements. Furthermore Borton will provide public utility easement to adjoining property

3. BACKGROUND.

The purpose of this section is to provide a description of the public improvements, which can be referenced, thereafter, as "required public improvements."

The required public improvements are; extending sewer piping approximately 5,000 feet and water piping approximately 6,000 feet. Also 2,600 feet of road frontage will need to be improved to City standards along the proposed development property.

4. AGREEMENT.

This section must contain the following:

- a) A statement that the applicant agrees to construct the required public improvements providing that SIED financing is approved.
Union Gap
- b) A statement by the business of the projected number of permanent, full-time jobs created and/or retained as a result of the public facilities project. (Attention: Job estimates identified here must equal those in Question C5.)

Yakima County SIED Board Supporting Investments In Economic Diversification

Borton & Sons projects that 157 permanent full time jobs will be created as a result of this public facilities project.

- c) A statement by the business of the estimated private capital investment.
Borton Fruit is planning on constructing new fruit storage, packing and shipping facilities in 2015 and 2016. The anticipated construction cost of these facilities and equipment is approximately \$25,000,000. Borton Fruit is further planning an additional packing line and controlled atmosphere storage in 2017-18. Anticipated construction cost of these facilities and equipment is approximately \$15,000,000 for a total anticipated investment of \$40,000,000.

- d) An agreement by the business to contact the local One-Stop Career Center, Job Service Center, or appropriate Community Based Organization for assistance in filling new positions.
Borton & Sons will advertise in local job boards and contact Washington State employment security.

- e) An agreement by the business to provide the applicant with employment and investment data as requested by SIED.
Borton & Sons Inc. will provide employment and investment data when requested by SIED.

- f) If applicable, this section must also contain a list of any public and/or private contributions to the public facilities project, such as cash contribution or donated land.
Private contributions to this required public improvement project will be in cash and/or construction of one of the required public improvements. The amount of this contribution will be approximately 44% of the total value of the public facilities.

- g) **5. CONTINGENCY.**

This Agreement is contingent upon receipt of SIED funds by City of Union Gap and is intended to meet the first level of convincing evidence of private development as required by SIED.

All parties must sign the Agreement.

BORTON PACKING CENTER PROJECT

Description of Proposed Project.

Borton Packing Center, LLC (“Borton”) has proposed the construction of a significant new fruit storage, packing and shipping facility to be located in the City of Union Gap, Washington.¹ Borton is proposing to expand its primary packing and storage facilities to the subject property. The development has two (2) significant components:

- *Phase I.* Construction of approximately 290,000 square feet of facilities for new fruit storage, packing and shipping facilities. This phase of project construction would begin in 2015 and would include the following:
 - Shipping area with ten to twelve loading docks and office space.
 - Packed fruit storage building
 - Palletizing building
 - Box shook storage
 - Pack line building
 - Pack line equipment
 - Cold storage building

The total cost for construction of these facilities and equipment is approximately *Twenty Five Million Dollars (\$25,000,000)*.

- *Phase II.* The second phase of the project would include a second packing line and equipment addition of 200,000 square feet together with new controlled atmosphere storage. The second phase project would include a pack line building, pack line equipment, and controlled atmosphere storage building. The projected costs for this phase is *Fifteen Million Dollars (\$15,000,000)*.

Total project costs (excluding public utility service and road improvement costs) is *Forty Million Dollars (\$40,000,000)*. The estimated assessed value of the completed project is *Fifty-One Million Dollars (\$51,000,000)*.²

¹ Borton owns approximately 241 acres of property located in the unincorporated area of Yakima County, Washington. The property is located within the Urban Growth Area (UGA) for Union Gap and the parties have negotiated in good faith with respect to annexation of the property to the municipality. The property is also within the service area for public water and sewer utilities. Public utilities are not, however, available at the site and require a substantial extension to the property.

² Borton has filed a Petition for Annexation for the Borton Property. The petition includes the Borton property together with additional improved parcels. The additional annexation properties will add significantly to the property tax base and further expansion of the Western Urban Growth Area (UGA). The additional area has a 2014 assessed value of \$2,939,800.

Public Utility Extension and Costs.

Public utilities (water and sewer) are not available at the project site. Borton and Staff have explored a number of alternatives for water and sewer extension including mainline extension on Ahtanum Road, Paxton property line extension, connection to Pioneer Way line, and direct delivery to City of Yakima wastewater line. Expenses are much higher because of utility location, condition and lack of direct access line. Borton and Staff have focused on a utility extension along 16th Avenue and Ahtanum Road. The extension of public utility lines is very expensive.

Engineer cost estimates have been prepared for three components of the project and are as follows:

Ahtanum Road Improvements	\$ 655,320
City of Yakima Road Restoration Fee	\$ 120,000
Water Utility Improvements	\$1,265,048
Sewer Utility Improvements	<u>\$ 911,425</u>
Total	\$2,951,793

Estimates prepared by HLA are attached. *Attachment A.* Utility system extensions have been sized to meet long term public requirements for properties within the service area. The oversizing cost of pipe from 8” to 12” sewer line alone is \$19,240. Borton project will result in employment of approximately 500 workers at the packing center and will generate 0.01 MGD, which is approximately 10% of sewer main capacity. Excess capacity and oversizing of lines is a direct benefit for long term needs of the service area.

Growth Management Act (GMA) contemplated public/private partnerships for provision of public facilities.

Further, the lack of public facilities and services is a serious impediment to development of new housing and commerce. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. It is the intent of the legislature by RCW 36.70B.170-36.70B.210 to allow local governments and owners and developers of real property to enter into Development Agreements.

RCW 36.70B.170 (Legislative Findings)³. Borton is proposing to pay approximately 44.5% of the total cost of the project with the balance funded through the SIED Grant Loan Program. The proposed split is as follows:

Borton	\$1,312,553
Road Restoration Fee (City)	\$ 120,000
Pipe Upsizing (City)	\$ 19,240
SIED Funds	\$1,500,000

³ Public private contracts are common within this jurisdiction and throughout the state. City of Yakima has utilized Development Agreements for property development and land use regulations and controls. Borton and staff have been working on a Development Agreement to become part of a final Annexation Ordinance.

New Vision – Supporting Investments In Economic Development (SIED)

Borton has consulted with Dave McFadden (Yakima County Development Association – New Vision) regarding the project and funding support. Yakima County offers funds through its SIED (Supporting Investments in Economic Development) program that can be used to offset or reduce costs of a non-retail development project. Borton project is strong in terms of job creation and capital investment in a manufacturing project. Borton and staff have discussed a variety of alternative funding concepts and approaches. We have chosen to follow the model utilized by Union Gap in other prior and contemporaneous projects.

In discussions with New Vision, we have been advised that funds are available for a maximum grant/loan application of *One Million Five Hundred Thousand Dollars (\$1,500,000)*.⁴ Borton has put together a proposal based upon Union Gap’s historic analysis and assessment of project applications.

Borton would propose a SIED request as follows:

Private Funding Contribution	\$1,312,553
City Contribution	\$ 139,240
SIED Funding – Public Infrastructure	\$1,500,000
SIED Grant	\$ 750,000
SIED Loan	\$ 750,000

A funding SIED summary is attached. **Attachment B**. This proposal is submitted utilizing funding analysis developed by Union Gap and New Vision in prior project proposals. We have tried to structure the transaction so that tax revenues are available to Union Gap at or before time of SIED loan repayment.

⁴ New Vision has budgeted for two (2) significant projects to be possibly located within Union Gap jurisdictional boundaries. Each project contemplates a loan/grant of \$1,500,000; capital investment of \$40,000,000; and 50/50 grant-loan split. The primary difference between the proposals is that Borton projects total employment of 500 employees while the alternative project creates 250 jobs.

ATTACHMENT A

**Borton Packing Center
Union Gap Annexation Area
Road Improvements
BPC Road Scenario 1**

Civil Cost Estimate - January 2, 2015
HLA Project No. 14095



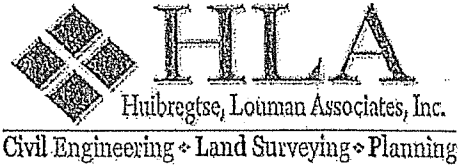
ITEM NO.	ITEM	UNIT	UNIT PRICE DOLLARS	APPROX. QUANTITY	OVERALL COST	
ROAD IMPROVEMENTS						
1	Mobilization (4%)	LS	\$17,100.00	1	\$17,100.00	
2	Maintenance & Protection of Traffic	LS	\$15,000.00	1	\$15,000.00	
3	Construction Signs, Class A	SF	\$15.00	40	\$600.00	
4	SPCC Plan	LS	\$1,000.00	1	\$1,000.00	
5	Erosion / Water Pollution Plan	LS	\$2,000.00	1	\$2,000.00	
6	Clearing & Grubbing	LS	\$4,000.00	1	\$4,000.00	
7	Removal of Structures and Obstructions	LS	\$5,000.00	1	\$5,000.00	
8	Cement Concrete Curb & Gutter	LF	\$10.00	2,600	\$26,000.00	
8	Cement Concrete Sidewalk - 4" Thick	SY	\$35.00	1,444	\$50,540.00	
9	Commercial Road Approach	EA	\$3,500.00	4	\$14,000.00	
10	Permanent Signing	EA	\$300.00	4	\$1,200.00	
11	HMA Repair	TON	\$90.00	53	\$4,770.00	
12	Crushed Surfacing Top Course	TON	\$19.00	450	\$8,550.00	
STORM DRAIN						
13	Catch Basin, Type 1	EA	\$1,500.00	12	\$18,000.00	
14	Catch Basin, Type 2	EA	\$2,500.00	4	\$10,000.00	
15	Drain Rock Envelope	LF	\$100.00	400	\$40,000.00	
16	CDS Unit	EA	\$8,000.00	8	\$64,000.00	
ELECTRICAL, TELEPHONE & CABLE (Estimate)						
17	(2) Schedule 40 Pvc Electrical Conduit, 2" Dia. ((Electrical)	LF	\$20.00	2600	\$52,000.00	
18	Schedule 40 Pvc Electrical Conduit, 2" Dia.(Telephone)	LF	\$10.00	2600	\$26,000.00	
19	Schedule 40 Pvc Electrical Conduit, 2" Dia.(Cable)	LF	\$10.00	2600	\$26,000.00	
20	Electrical Transformer Box	EA	\$1,500.00	12	\$18,000.00	
21	Junction Box	EA	\$350.00	12	\$4,200.00	
22	Illumination	EA	\$3,000.00	12	\$36,000.00	
					Subtotal W/O Mobilization	\$426,860.00
					Subtotal W/ Mobilization	\$443,960.00
					Contingencies (10%)	\$44,400.00
					Subtotal W/ Contingencies	\$488,360.00
					Sales Tax (8.1%)	\$35,960.76
					Total Scenario 1	\$524,320.76
Estimate prepared by:						
Michael R. Heit, PE				Date		
Hubregtse, Louman Associates, Inc.						
					Design Engineering (12%)	\$62,900.00
					Construction Surveying (8%)	\$41,900.00
					Q.C. Testing & Inspec. (5%)	\$26,200.00
					PROJECT TOTAL	\$655,320.76

Assumptions:

- 1 Brick inserts were assumed to be purchased by individual donors, therefore, were not included in estimate.

**Borton Packing Center
Union Gap Annexation Area
Sanitary Sewer Improvements
BPC Sewer Plan Scenario 3**

Civil Cost Estimate - January 2, 2015
HLA Project No. 14095



ITEM NO.	ITEM	UNIT	UNIT PRICE DOLLARS	APPROX. QUANTITY	OVERALL COST	
SEWER MAIN						
1	Mobilization (4%)	LS	\$23,700.00	1	\$23,700.00	
2	Maintenance & Protection of Traffic	LS	\$10,000.00	1	\$10,000.00	
3	Construction Signs, Class A	SF	\$15.00	50	\$750.00	
4	SPCC Plan	LS	\$500.00	1	\$500.00	
5	Erosion / Water Pollution Plan	LS	\$2,000.00	1	\$2,000.00	
6	Clearing & Grubbing	LS	\$2,000.00	1	\$2,000.00	
7	Removal of Structures and Obstructions	LS	\$10,000.00	1	\$10,000.00	
8	Shoring or Extra Excavation	LF	\$1.00	4,810	\$4,810.00	
9	PVC Sanitary Sewer Main, 12" Dia.	LF	\$85.00	4,810	\$408,850.00	
10	Sanitary Sewer Manhole	EA	\$2,500.00	18	\$45,000.00	
11	Select Backfill, as directed	CY	\$30.00	1,000	\$30,000.00	
12	HMA Repair	TON	\$90.00	538	\$48,420.00	
13	Crushed Surfacing Top Course	TON	\$19.00	430	\$8,170.00	
14	Natural Surface Repair	SY	\$10.00	100	\$1,000.00	
15	Testing Sewer Main	LF	\$1.50	4,810	\$7,215.00	
MISCELLANEOUS						
16	Minor Change	FA	\$15,000.00	1	\$15,000.00	
					Subtotal W/O Mobilization	\$593,715.00
					Subtotal W/ Mobilization	\$617,415.00
					Contingencies (10%)	\$61,700.00
					Subtotal W/ Contingencies	\$679,115.00
					Sales Tax (8.1%)	\$50,010.62
					Total Scenario 3	\$729,125.62
					Design Engineering (12%)	\$87,500.00
					Construction Surveying (8%)	\$58,300.00
					Q.C. Testing & Inspec. (5%)	\$36,500.00
					PROJECT TOTAL	\$911,425.62
	Private Sewer Lift Station (If Needed)	EA	\$75,000.00	1	\$75,000.00	

Estimate prepared by:

Michael R. Heit, PE _____ Date
Hubregtse, Louman Associates, Inc.

Assumptions:

- 1 BPC Sewer Main extention terminated at 26th Avenue.
- 2 Sewer Flows in excess of 0.10 MGD would require lift staion and pressure line to Valley Mall Blvd.
- 3 Sewer pipe is in place price including dewatering.
- 4 Assumes 10-feet HMA repair and crushed surfacing.

**Borton Packing Center
Union Gap Annexation Area
Water Improvements**

BPC Water Scenario 1

Civil Cost Estimate - January 2, 2014

HLA Project No. 14095



HLA

Huibregtse, Louman Associates, Inc.

Civil Engineering ♦ Land Surveying ♦ Planning

ITEM NO.	ITEM	UNIT	UNIT PRICE DOLLARS	APPROX. QUANTITY	OVERALL COST
WATER SYSTEM IMPROVMENTS					
1	Mobilization (4%)	LS	\$33,000.00	1	\$33,000.00
2	Maintenance & Protection of Traffic	LS	\$10,000.00	1	\$10,000.00
3	Construction Signs, Class A	SF	\$15.00	40	\$600.00
4	SPCC Plan	LS	\$500.00	1	\$500.00
5	Erosion / Water Pollution Plan	LS	\$2,000.00	1	\$2,000.00
6	Clearing & Grubbing	LS	\$2,000.00	1	\$2,000.00
7	Removal of Structures and Obstructions	LS	\$5,000.00	1	\$5,000.00
8	12" Butterfly Valve	EA	\$1,500.00	10	\$15,000.00
9	DI Water Main, 12" Dia.	LF	\$60.00	6,100	\$366,000.00
10	Booster Pump Station	EA	\$300,000.00	1	\$300,000.00
11	Fire Hydrant Assembly	EA	\$3,800.00	8	\$30,400.00
11	Select Backfill, as directed	CY	\$30.00	1,000	\$30,000.00
12	HMA Repair	TON	\$90.00	450	\$40,500.00
13	Crushed Surfacing Top Course	TON	\$19.00	673	\$12,787.00
14	Testing Water Main	LF	\$1.50	6,100	\$9,150.00
Subtotal W/O Mobilization . . .					\$823,937.00
Subtotal W/ Mobilization . . .					\$856,937.00
Contingencies (10%) . . .					\$85,700.00
Subtotal W/ Contingencies . . .					\$942,637.00
Sales Tax (8.1%) . . .					\$69,411.90
Total Scenario 1 . . .					\$1,012,048.90
Design Engineering (12%) . . .					\$121,400.00
Construction Surveying (8%) . . .					\$81,000.00
Q.C. Testing & Inspec. (5%) . . .					\$50,600.00
PROJECT TOTAL . . .					\$1,265,048.90

Estimate prepared by:

Michael R. Heit, PE
Huibregtse, Louman Associates, Inc.

Date _____

Assumptions:

- 1 BPC water extension terminated at 26th Avenue
- 2 Assumes 5' HMA repair on water main improvements.
- 3 Water pipe is in place price including dewatering

ATTACHMENT B

ATTACHMENT B

Borton Packing Center – Union Gap Western UGA Project

Union Gap Western UGA – Project Costs						
Ahtanum Road improvements						\$655,320
City of Yakima road restoration fee						\$120,000
Water utility improvements						\$1,265,048
Sewer utility improvements						\$911,425
Total						\$2,951,793
Projected Funding Summary						
Borton Contribution						\$1,312,553
Road Restoration Fee (City)						\$120,000
Pipe Upsizing (City)						\$19,240
SIED Request						\$1,500,000
Total Project Cost						\$2,951,793
SIED Grant 50%						\$750,000.00
SIED loan 50%						\$750,000.00
Annual payments with 2 year deferral						
10 year @ 2.44% *						\$87,463
15 year @ 2.94% *						\$64,339
*Estimated rate						

Revenues Generated from Development

Borton Fruit is planning on constructing new fruit storage, packing and shipping facilities in 2015 and 2016. The total floor space of these buildings will be approximately 290,000 square feet and anticipated construction cost of these facilities and equipment is approximately \$25,000,000.

Borton Fruit is further planning an additional 200,000 square feet of packing line and controlled atmosphere storage in Phase 2. Anticipated construction cost of these facilities and equipment is approximately \$15,000,000.

2015-2016 construction schedule:

- Sewer, water, road improvements, and other utilities

- Shipping area with 10 to 12 loading docks and office space
 - Packed fruit storage building
 - Palletizing building
 - Box shook storage
 - Pack line building
 - Pack line equipment
 - Cold storage building
- Subtotal = \$25,000,000

Phase 2 construction of 2nd packline CA storage expansion:

- Packing Line building
 - Packing Line equipment
 - Controlled atmosphere storage building
- Subtotal = \$15,000,000
- Total = \$40,000,000**
- =====

Potential Union Gap Revenue from Borton Packing Facility Expansion

Sales Tax

Union Gap receives about 1.1% of the sales tax receipts on the construction of the facility.

2015-16:	\$25,000,000 * 0.011=	\$275,000
2017-18:	\$15,000,000 * 0.011 =	\$165,000

Total Revenue to Union Gap =		\$440,000
		=====

Property Tax

- Approximately 250 acres of this development will be zoned Wholesale/Warehouse
- NOEL CANNING CORPORATION has 23.92 acres zoned WW and is assessed at \$1,042,700 or \$43,591/acre;
- Estimating the property value of the Borton property:

250 acres @ \$43,591 =	\$10,897,750
Buildings and equipment =	\$40,000,000

Total estimated assessed value =	\$50,897,750
	=====

- Union Gap portion of property tax is \$2.8396/\$1,000 of assessed value or **\$144,529 annually at full buildout.**

Other Potential Revenue Generated by the Borton Packing Facility Expansion

Difficult to Quantify but Significant Revenue Over Time

- 6% of the Utility Tax
- 500 employees spending money in Union Gap
- Money spent by Borton Fruit in Union Gap also generates sales tax revenue
- Potential additional Borton commercial property development along Ahtanum Road
- Sewer and water extension makes more non-Borton owned property available for future development

The Borton Packing Facility Expansion will require minimal fire and police demands and will not place an additional load on the school system.

Summary

Estimated Total sales tax revenue = \$ 440,000

Estimated Annual property tax revenue:

Year 2015 assessed Value \$10,900,000 =	\$	30,945
Year 2016 assessed Value \$35,000,000 =	\$	99,050
Year 2017 assessed Value \$34,000,000=	\$	99,050
Years 2018 to 2026 assessed Value \$50,900,000=	\$	1,300,761

Estimated total property tax revenue years 2015 to 2026 = \$ 1,529,806

Water Infrastructure Connection Fee of Borton Packing Facility = \$ 76,000

2014 Non-Borton Property Assessed Value

\$2,939,800@\$2.8396/\$1,000 = \$ 8,348

Total Tax Revenue Generated by Borton Packing Facility Expansion

Based on a 12 Year SIED Loan Repayment = \$ 2,054,154

Based on a 17 Year SIED Loan Repayment = \$ 2,778,260

ATTACHMENT C

ATTACHMENT C

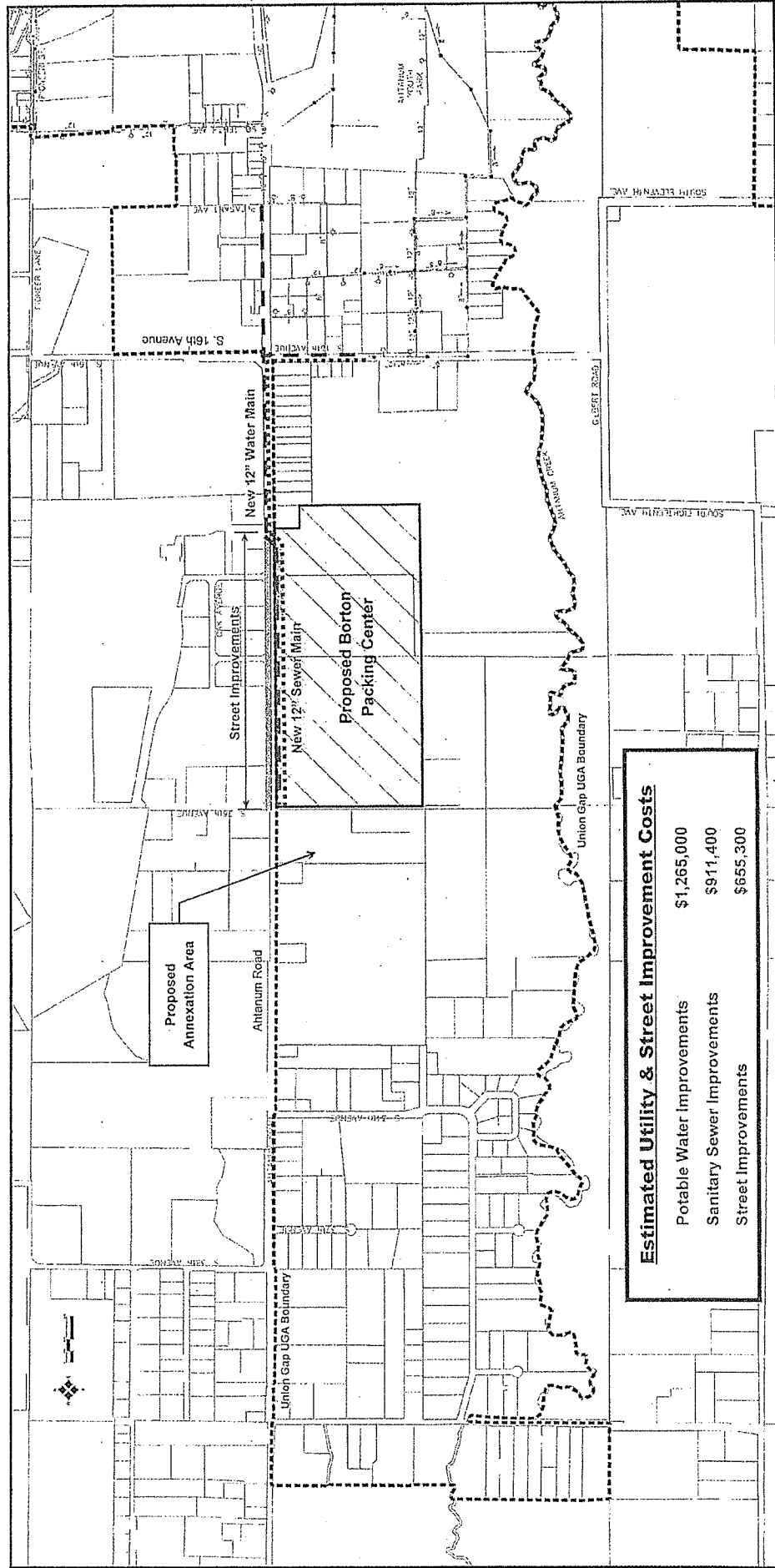
Benefits of Borton Packing Center Locating in Union Gap

- Development of Union Gap Western Urban Growth Area (UGA) with \$40,000,000 packing, storage and office facilities. Sales tax revenue on construction project of \$440,000
- Creation in Phase 1 of 157 jobs within City of Union Gap. Residual impact on retail sales, residential growth and further business expansion
- Extension of public water and sewer facilities. Borton utilizes on-site well and disposal systems for process water. Actual usage of public lines is less than 10% of capacity.
- Project lines and facilities are oversized to serve western UGA. Utility extension provides base for further expansion. Opens development opportunities for both commercial and residential development.
- Public contribution is fully funded by increased tax revenues. Cost sharing is consistent with all other SIED projects implemented or under consideration.
- Opens development of Union Gap's Western UGA with public infrastructure extensions.
- Municipal tax base is expanded for City.

ATTACHMENT D

CITY OF UNION GAP

Proposed Borton Packing Center



Estimated Utility & Street Improvement Costs

Potable Water Improvements	\$1,265,000
Sanitary Sewer Improvements	\$911,400
Street Improvements	\$655,300

CONSENT AGENDA

UNION GAP CITY COUNCIL REGULAR MEETING
UNION GAP COUNCIL CHAMBERS
Union Gap, Washington
February 9, 2015
MINUTES

Call to Order Mayor Wentz called the Regular Meeting of the Union Gap City Council to order at 6:00 p.m.

Council Members Present Council Members Lenz, Carney, Olson, Butler, Matson and Murr were present.

Staff Present City Attorney Brown, City Manager Otterness, Public Works/Community Development Director Henne, Public Works/Community Development Deputy Director Spurlock, Finance & Administration Director Clifton, Acting Public Safety Director Cobb, and PR/AP Technician Bisconer were present.

Audience Present See list.

Pledge of Allegiance Mayor Wentz led the Pledge of Allegiance.

Consent Agenda Motion by Council Member Lenz, second by Council Member Murr to approve the consent agenda as follows:

Approve Regular Council Meeting Minutes dated January 26, 2015 as attached to the agenda and maintained in electronic format.

Approve EFT's and Claim Voucher Nos. 89560 through 89614 in the amount of \$106,832.78 dated February 9, 2015.

Approve EFT's and Payroll Voucher Nos. 41332 through 41341 and 89549 through 89559 in the amount of \$314,855.03 dated January 29, 2015.

Approve Advance Travel Voucher No. 1236 in the amount of \$1,996.15 issued in the month of February, 2015.

Approve Petty Cash Voucher Nos. 1834 through 1835 in the amount of \$135.90 issued in the month of February, 2015.

Motion carried unanimously.

Items from the Audience There were none.

General Items

Public Safety
Resolution No. 15-6 – Animal Control Contract Wendy St. George, Executive Director of the Yakima Humane Society presented statistics on previous year's services, answered questions and discussed the future goals for services provided. Motion by Council Member Carney, second by Council Member Murr to Approve Resolution

CITY OF UNION GAP REGULAR COUNCIL MEETING MINUTES – February 9, 2015

No. 15-6 authorizing the City Manager to sign a contract with the Yakima Humane Society for animal control services. Motion carried unanimously.

Finance & Administration
4th Quarter 2014 Financial
Update

Finance & Administration Director Clifton presented the Fourth Quarter 2014 Financial Update.

City Manager

Resolution No. 15-8 – Indigent
Defense Services Contract

Motion by Council Member Murr, second by Council Member Lenz to Approve Resolution No. 15-8 authorizing the City Manager to sign a contract with Bryan Gillilhan for indigent defense services. Motion carried unanimously.

Public Works/Community
Development

Resolution No. 15-8 – Setting
Closed Record Hearing

Motion by Council Member Olson, second by Council Member Murr to set a closed record hearing for February 23, 2015 at 6:00 p.m. regarding a site specific rezone application from DiMario Management Partnership. Motion carried unanimously.

Items from the Audience

None.

City Manager Report

City Manager Otterness reported on a visit to Union Gap from representatives of a large retailing company which is looking to locate a distribution warehouse in the area. The company has a proposed construction start date of August 1, 2015 and a concern was raised during the visit about access to the site which is on the proposed beltway. Dennis Henne described a possible alternative route for the beltway which would meet the concern and stated that a request to go out for bids would be brought to the next council meeting.

Communications/Questions/
Comments

None.

Development of next agenda

None.

Other Business

Mayor Wentz, Council Members Olson and Matson reported on their recent Legislative Conference attendance.

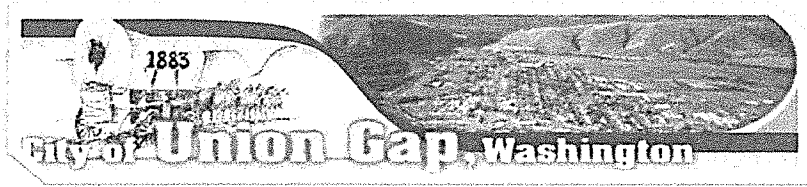
Adjournment of Meeting

At 7:10 p.m. Mayor Wentz adjourned the February 9, 2015 regular Council Meeting.

ATTEST

Rodney Otterness, City Manager

Karen Clifton, City Clerk



City Council Communication

Meeting Date: February 23, 2015
From: Karen Clifton, Director of Finance and Administration
Topic/Issue: Claim Vouchers, February 23, 2015

SYNOPSIS: Claim Vouchers Dated February 23, 2015

RECOMMENDATION: Request Council to approve EFTs and Voucher Nos. 89615 through 89677 in the amount of \$191,303.49.

LEGAL REVIEW: N/A

FINANCIAL REVIEW: N/A

BACKGROUND INFORMATION: N/A

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: 1. Claim Voucher Roster
2. Distribution Report

WARRANT/CHECK REGISTER

CITY OF UNION GAP
MCAG #: 0853

01/01/2015 To: 02/28/2015

Time: 16:12:57 Date: 02/12/2015

Page: 1

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
524	02/23/2015	Claims	2	EFT	WA STATE DEPT OF REVENUE	10,394.77	EXCISE TAX - 01/2015
518	02/04/2015	Claims	2	89615	WA STATE DEP OF LICENSING	55.75	LICENSING FEE
542	02/06/2015	Claims	2	89616	MEDSTAR CABULANCE, INC.	37,912.24	DIAL A RIDE/FIXED ROUTE/SPECIAL TRIPS-01/15
631	02/23/2015	Claims	2	89617	ABBOTTS PRINTING	215.05	RETRACTABLE BANNER
632	02/23/2015	Claims	2	89618	ADVANCED TRAVEL EXP. FUND	237.74	BIAS CONFERENCE - BISCONER
633	02/23/2015	Claims	2	89619	AMERICAN EXPRESS CREDIT CARD	288.48	BIAS CONFERENCE - BISCONER
634	02/23/2015	Claims	2	89620	AMERICAN MEDICAL RESPONSE	691.84	CPR CLASSES-PD TRAINING
635	02/23/2015	Claims	2	89621	CAL PROPERTIES, LLC	150.00	DEPOSIT REFUND
636	02/23/2015	Claims	2	89622	SAMUEL CARDENAS	40.00	OVERPAYMENT REFUND
637	02/23/2015	Claims	2	89623	CAREY MOTORS	76.90	VEHICLE SERVICE #9-LOF; VEHICLE SERVICE #8 LOF; VEHICLE SERVICE #13 LOF
638	02/23/2015	Claims	2	89624	CASCADE NATURAL GAS CORP	1,060.91	4401 1/2 AND 4401 #2 MAIN ST-DEC 2014
639	02/23/2015	Claims	2	89625	CASCADE VALLEY LUBE	64.97	FULL SERVICE TRK #1012
640	02/23/2015	Claims	2	89626	CENTRAL WA AG MUSEUM	8,115.00	AG MUSEUM COORDINATOR-12/2014; AG MUSEUM COORDINATORS - 12/2014 - 01/2015
641	02/23/2015	Claims	2	89627	CENTURY LINK - LD	10.75	CH LONG DISTANCE-02/2015
642	02/23/2015	Claims	2	89628	CENTURY LINK	711.16	CHT1-JAN 2015; CH/FAX - 01/2015
643	02/23/2015	Claims	2	89629	MICHAEL CERVANTES	19.69	OVERPAYMENT REFUND
644	02/23/2015	Claims	2	89630	DB SECURE SHRED	93.52	CH SHRED SVC - 01/2015
645	02/23/2015	Claims	2	89631	FOWLER COMPANY HD	1,697.79	METER BOXES
646	02/23/2015	Claims	2	89632	FRANKS OK TIRE STORE	947.30	TIRES FOR TRK #2002
647	02/23/2015	Claims	2	89633	FREEDOM TRUCK CENTERS INC	1,554.50	MISC REPAIRS ON TRK #2004
648	02/23/2015	Claims	2	89634	GAP AUTO PARTS	419.57	SUPPLIES; PD SPOTLIGHT BULBS
649	02/23/2015	Claims	2	89635	GILLILAND LAW FIRM PLLC	470.00	CONFLICT ATTORNEY - 02/2015
650	02/23/2015	Claims	2	89636	GRANT J HUNT CO	3,500.00	TOURISM DESIGN & MARKETING
651	02/23/2015	Claims	2	89637	HUMANE SOCIETY OF	2,520.00	PD ANIMAL CONTROL SERVICES-JANUARY 2015
652	02/23/2015	Claims	2	89638	INDEPENDENT WATER SERVICE INC	11.36	CH WATER & COOLER RENTAL-JAN 2015
653	02/23/2015	Claims	2	89639	INTEGRA TELECOM	1,858.11	CH - 02/2015
654	02/23/2015	Claims	2	89640	JOHNSON & JOHNSON LAW FIRM PLLC	7,100.00	INDIGENT DEFENSE - 01/2015
655	02/23/2015	Claims	2	89641	LAW OFFICES OF MARGITA DORNAY	7,083.33	PROSECUTOR - 02/2015
656	02/23/2015	Claims	2	89642	LEXISNEXIS	158.90	ONLINE SVC - 01/2015
657	02/23/2015	Claims	2	89643	LOWES COMPANY INC	371.46	SUPPLIES
658	02/23/2015	Claims	2	89644	LOWES COMPANY INC	19.48	PD ICE MELT
659	02/23/2015	Claims	2	89645	MANSFIELD ALARM CO INC	1,556.78	ALARM SYSTEM INSTALL AND MONITORING - 02/15

WARRANT/CHECK REGISTER

CITY OF UNION GAP
MCAG #: 0853

01/01/2015 To: 02/28/2015

Time: 16:12:57 Date: 02/12/2015

Page: 2

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
660	02/23/2015	Claims	2	89646	MUNICIPAL CODE CORPORATION	2,360.19	SUPPLEMENT CODE OF ORDINANCE-02/2015
661	02/23/2015	Claims	2	89647	NORTHWEST MAILING INC	162.68	IS 3 & 4 SERIES INK CARTRIDGE
662	02/23/2015	Claims	2	89648	OFFICE DEPOT	124.99	INK CTG'S, STAPLES & DOOR STOP
663	02/23/2015	Claims	2	89649	OFFICE SOLUTIONS NORTHWEST	332.73	UB PAPER & INK CTG; PARCHMENT PAPER; COPY PAPER, MARKER CADDY & STAPLES; STICKY FLAGS
664	02/23/2015	Claims	2	89650	RODNEY G OTTERNESS	171.65	WCIA MTG
665	02/23/2015	Claims	2	89651	OXARC INC	257.21	EAR PLUGS, STEEL TOE HIP BOOT
666	02/23/2015	Claims	2	89652	PACIFIC POWER	885.75	CH - 02/2015; AG MUSEUM - 01/2015
667	02/23/2015	Claims	2	89653	PETTY CASH	3.08	MISC RECEIPTS - 02/2015
668	02/23/2015	Claims	2	89654	PROTECTION ONE	31.36	ALARM MONITORING-2/2015
669	02/23/2015	Claims	2	89655	REPUBLIC PUBLISHING CO	673.72	PD CLERK ADVERTISING; NTC FOR FIRE ADVISORY COMMITTEE; SUMMARY OF ORD#2866;2867;2868;2869
670	02/23/2015	Claims	2	89656	SEARS COMMERCIAL ONE	41.84	LID SWITCH
671	02/23/2015	Claims	2	89657	SIX ROBBLEES INC	22.68	MULTI-FUNCTION BULB
672	02/23/2015	Claims	2	89658	SOUSLEY SOUND & COMMUNICATIONS	181.61	COUNCIL SYSTEM MOVED TO NEW LOCATION
673	02/23/2015	Claims	2	89659	TACTICAL SUPPLY	161.70	PD SGT DRAGO SCOUT BACKPACKS
674	02/23/2015	Claims	2	89660	TOPPENISH CITY	1,698.95	PRISONERS BOARD & ROOM - 01/2015
675	02/23/2015	Claims	2	89661	TRI-VALLEY CONSTRUCTION INC	302.68	PD ASBESTOS ANALYSIS
676	02/23/2015	Claims	2	89662	UNION GAP WATER FUND & SEWER	1,801.70	W/S/G-01/15; 3103 2nd ST-01/2015 102 W AHTANUM RD-01/2015 3106 1ST ST-01/2015; PD WATER, SEWER, G
677	02/23/2015	Claims	2	89663	UNION GAP	60.00	YVCOG MTG-DO; MC; RW
678	02/23/2015	Claims	2	89664	UNITED BUSINESS MACHINES	70.18	KM-3050 COPIER LEASE-01/2015
679	02/23/2015	Claims	2	89665	US BANK CARDMEMBER SVC	3,058.59	AR-15/M16 CARBINE ARMORER & MOSSBERG 500/590 SHOTGUN ARMORER; 10 GALLON AIR COMPRESSOR; WELLNESS EVENT; CH INTERNET - 12/2014 - 02/2015; LEGISLATIVE CONFERENCE-OLSON; LEGISLATIVE CONFERENCE-CARNEY; US
680	02/23/2015	Claims	2	89666	VALLEY LOCK & KEY SERVICE	37.17	DUPLICATE KEYS, KEY CAP AND KEY TAGS

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681	02/23/2015	Claims	2	89667	VALLEY MEDI-CENTER	35.00	PRE EMPLOYMENT IMUNIZATION
682	02/23/2015	Claims	2	89668	WA STATE DEP OF LICENSING	36.00	CONCEALED PISTOL LICENSE
683	02/23/2015	Claims	2	89669	WA STATE DEPT OF TRANSPORTATION	2,408.75	DECEMBER SALE OF SOLID/ LIQUID DE-ICER & MAINT SAND, SIGNAL MAINT, REPAIR & ADDITIONS
684	02/23/2015	Claims	2	89670	WA STATE TREASURER	11,960.24	CJRS-01/2015
685	02/23/2015	Claims	2	89671	YAKIMA CITY TREASURER	343.00	LETTERHEAD & ENVELOPES
686	02/23/2015	Claims	2	89672	YAKIMA CO DISTRICT COURT	49,864.66	MUNICIPAL COURT OPERATING AGREEMENT - 01/2015; MUNICIPAL COURT OPERATING AGREEMENT - 02/15
687	02/23/2015	Claims	2	89673	YAKIMA CO PUBLIC SERVICES	64.90	12TH AVE BRIDGE INSPECTION
688	02/23/2015	Claims	2	89674	YAKIMA CO TREAS PROSECUTING	215.57	CVC-01/2015
689	02/23/2015	Claims	2	89675	YAKIMA VALLEY LIBRARIES	19,250.00	2015 LIBRARY SERVICES
691	02/23/2015	Claims	2	89676	JUNDT PMC	4,495.10	OVERPAYMENT REFUND
692	02/23/2015	Claims	2	89677	UNITED STATES POSTMASTER	782.46	UB STATEMENTS - 02/2015
						115,496.62	
001 Current Expense Fund						5,102.61	
101 Street Fund						12,131.96	
107 Convention Center Reserve Fund						37,915.86	
128 Transit System Fund						11,165.87	
401 Water Fund						6,008.63	
402 Garbage Fund						3,331.94	
403 Sewer Fund						150.00	
414 Water Deposits						191,303.49	Claims: 191,303.49

CERTIFICATION: I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described and that the claim is a due and unpaid obligation against the City of Union Gap, and that I am authorized to authenticate and certify to said claim.

Certified By: _____ Date: _____

() Finance Director () Auditing Officer () Deputy Finance Director

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524	02/23/2015	Claims	2		EFT WA STATE DEPT OF REVENUE	10,394.77	EXCISE TAX - 01/2015
					001 - 511 60 53 00 - EXTERNAL TAXES	1.53	
					001 - 521 21 31 00 - SUPPLIES	2.38	
					001 - 521 22 31 00 - SUPPLIES	196.18	
					001 - 521 30 21 00 - UNIFORMS & EQUIPMENT	5.62	
					001 - 521 30 21 00 - UNIFORMS & EQUIPMENT	26.59	
					001 - 524 20 53 00 - EXTERNAL TAXES	16.44	
					401 - 534 50 53 00 - EXTERNAL TAXES	3,540.38	
					401 - 534 50 53 00 - EXTERNAL TAXES	2.32	
					403 - 535 50 53 00 - EXTERNAL TAXES	1,730.84	
					402 - 537 50 53 00 - EXTERNAL TAXES	4,834.93	
					001 - 576 80 53 00 - EXTERNAL TAXES	37.56	
518	02/04/2015	Claims	2	89615	WA STATE DEP OF LICENSING	55.75	LICENSING FEE
					001 - 521 22 49 00 - MISCELLANEOUS	55.75	
542	02/06/2015	Claims	2	89616	MEDSTAR CABULANCE, INC.	37,912.24	DIALA RIDE/FIXED ROUTE/SPECIAL TRIPS-01/15
					128 - 547 60 49 00 - TRANSIT SERVICE PAYMEN	37,912.24	
631	02/23/2015	Claims	2	89617	ABBOTTS PRINTING	215.05	RETRACTABLE BANNER
					107 - 557 30 44 00 - ADVERTISING	215.05	
632	02/23/2015	Claims	2	89618	ADVANCED TRAVEL EXP. FUND	237.74	BIAS CONFERENCE - BISONER
					001 - 514 23 43 00 - TRAVEL	237.74	
633	02/23/2015	Claims	2	89619	AMERICAN EXPRESS CREDIT CARD	288.48	BIAS CONFERENCE - BISONER
					001 - 514 23 43 00 - TRAVEL	288.48	
634	02/23/2015	Claims	2	89620	AMERICAN MEDICAL RESPONSE	691.84	CPR CLASSES-PD TRAINING
					001 - 521 40 49 00 - MISCELLANEOUS	691.84	
635	02/23/2015	Claims	2	89621	CAL PROPERTIES, LLC	150.00	DEPOSIT REFUND
					414 - 586 01 04 14 - 210-10 UTILITY DEP REFUN	150.00	
636	02/23/2015	Claims	2	89622	SAMUEL CARDENAS	40.00	OVERPAYMENT REFUND
					401 - 586 01 04 01 - 210-10) WATER REFUNDS	40.00	
637	02/23/2015	Claims	2	89623	CAREY MOTORS	76.90	VEHICLE SERVICE #9-LOF; VEHICLE SERVICE #8 LOF; VEHICLE SERVICE #13 LOF
					001 - 521 22 48 00 - REPAIRS & MAINTENANCE	24.95	
					001 - 521 22 48 00 - REPAIRS & MAINTENANCE	24.95	
					001 - 521 22 48 00 - REPAIRS & MAINTENANCE	27.00	
638	02/23/2015	Claims	2	89624	CASCADE NATURAL GAS CORP	1,060.91	4401 1/2 AND 4401 #2 MAIN ST-DEC 2014
					401 - 534 50 47 00 - UTILITIES	265.25	
					403 - 535 50 47 00 - UTILITIES	265.22	
					402 - 537 50 47 00 - UTILITIES	265.22	
					101 - 542 30 47 00 - UTILITIES	265.22	
639	02/23/2015	Claims	2	89625	CASCADE VALLEY LUBE	64.97	FULL SERVICE TRK #1012
					401 - 534 50 48 00 - REPAIRS & MAINTENANCE	25.99	
					403 - 535 50 48 00 - REPAIRS & MAINTENANCE	9.75	
					101 - 542 30 48 00 - REPAIRS & MAINTENANCE	9.75	
					101 - 542 66 48 00 - REPAIRS & MAINTENANCE	3.25	

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			101 - 542 67 48 00		- REPAIRS & MAINTENANCE	3.25	
			101 - 542 70 48 00		- REPAIRS & MAINTENANCE	9.75	
			128 - 547 60 48 00		- REPAIRS & MAINTENANCE	3.23	
640	02/23/2015	Claims	2	89626	CENTRAL WA AG MUSEUM	8,115.00	AG MUSEUM COORDINATOR-12/2014; AG MUSEUM COORDINATORS - 12/2014 - 01/2015
			107 - 571 10 41 00		- PROF SVCS-AG MUSEUM	660.00	
			107 - 571 10 41 00		- PROF SVCS-AG MUSEUM	7,455.00	
641	02/23/2015	Claims	2	89627	CENTURY LINK - LD	10.75	CH LONG DISTANCE-02/2015
			001 - 511 60 42 01		- COMMUNICATION	1.01	
			001 - 513 10 42 01		- COMMUNICATION	1.01	
			001 - 514 23 42 00		- COMMUNICATIONS	1.01	
			001 - 514 30 42 00		- COMMUNICATIONS	1.01	
			001 - 524 20 42 00		- COMMUNICATION	1.01	
			001 - 528 80 42 00		- COMMUNICATION	1.01	
			401 - 534 50 42 00		- COMMUNICATION	1.01	
			403 - 535 50 42 00		- COMMUNICATION	0.89	
			402 - 537 50 42 00		- COMMUNICATION	1.01	
			101 - 543 30 42 00		- COMMUNICATION	0.89	
			001 - 558 60 42 00		- COMMUNICATION	0.89	
642	02/23/2015	Claims	2	89628	CENTURY LINK	711.16	CHT1-JAN 2015; CH/FAX - 01/2015
			001 - 511 60 42 01		- COMMUNICATION	32.66	
			001 - 511 60 42 01		- COMMUNICATION	2.90	
			001 - 512 50 42 00		- COMMUNICATION		
			001 - 512 50 42 00		- COMMUNICATION		
			001 - 513 10 42 01		- COMMUNICATION	32.66	
			001 - 513 10 42 01		- COMMUNICATION	2.38	
			001 - 514 23 42 00		- COMMUNICATIONS	45.72	
			001 - 514 23 42 00		- COMMUNICATIONS	3.54	
			001 - 514 30 42 00		- COMMUNICATIONS	45.72	
			001 - 514 30 42 00		- COMMUNICATIONS	3.54	
			001 - 515 20 42 00		- COMMUNICATION	65.32	
			001 - 515 20 42 00		- COMMUNICATION	5.80	
			001 - 524 20 42 00		- COMMUNICATION	75.11	
			001 - 524 20 42 00		- COMMUNICATION	7.31	
			401 - 534 50 42 00		- COMMUNICATION	65.32	
			401 - 534 50 42 00		- COMMUNICATION	5.80	
			403 - 535 50 42 00		- COMMUNICATION	65.32	
			403 - 535 50 42 00		- COMMUNICATION	5.80	
			402 - 537 50 42 00		- COMMUNICATION	78.38	
			402 - 537 50 42 00		- COMMUNICATION	7.31	
			101 - 543 30 42 00		- COMMUNICATION	65.32	
			101 - 543 30 42 00		- COMMUNICATION	5.80	
			001 - 558 60 42 00		- COMMUNICATION	81.62	
			001 - 558 60 42 00		- COMMUNICATION	7.83	
643	02/23/2015	Claims	2	89629	MICHAEL CERVANTES	19.69	OVERPAYMENT REFUND
			401 - 586 01 04 01		- 210-10) WATER REFUNDS	19.69	
644	02/23/2015	Claims	2	89630	DB SECURE SHRED	93.52	CH SHRED SVC - 01/2015
			001 - 511 60 41 01		- PROFESSIONAL SERVICES	8.50	
			001 - 513 10 41 01		- PROFESSIONAL SERVICES	8.50	
			001 - 514 23 41 00		- PROFESSIONAL SERVICES	8.51	
			001 - 514 30 41 00		- PROFESSIONAL SERVICES	8.51	
			001 - 524 20 41 00		- PROFESSIONAL SERVICES	8.50	
			401 - 534 50 41 00		- PROFESSIONAL SERVICES	8.50	
			403 - 535 50 41 00		- PROFESSIONAL SERVICES	8.50	
			402 - 537 50 41 00		- PROFESSIONAL SERVICES	8.50	
			101 - 542 30 41 00		- PROFESSIONAL SERVICES	8.50	

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			001 - 558 60 41 00		PROFESSIONAL SERVICES	8.50	
			001 - 576 80 41 00		PROFESSIONAL SERVICES	8.50	
645	02/23/2015	Claims	2	89631	FOWLER COMPANY HD	1,697.79	METER BOXES
			401 - 534 50 31 00		SUPPLIES	1,697.79	
646	02/23/2015	Claims	2	89632	FRANKS OK TIRE STORE	947.30	TIRES FOR TRK #2002
			401 - 534 50 31 00		SUPPLIES	47.37	
			402 - 537 50 31 00		SUPPLIES	142.09	
			101 - 542 70 31 00		SUPPLIES	378.92	
			001 - 576 80 31 00		SUPPLIES	378.92	
647	02/23/2015	Claims	2	89633	FREEDOM TRUCK CENTERS INC	1,554.50	MISC REPAIRS ON TRK #2004
			401 - 534 50 48 00		REPAIRS & MAINTENANCE	233.18	
			403 - 535 50 48 00		REPAIRS & MAINTENANCE	155.44	
			101 - 542 30 48 00		REPAIRS & MAINTENANCE	155.45	
			101 - 542 66 48 00		REPAIRS & MAINTENANCE	932.70	
			101 - 542 70 48 00		REPAIRS & MAINTENANCE	77.73	
648	02/23/2015	Claims	2	89634	GAP AUTO PARTS	419.57	SUPPLIES; PD SPOTLIGHT BULBS
			001 - 521 22 31 00		SUPPLIES	13.88	
			401 - 534 50 31 00		SUPPLIES	1.08	
			401 - 534 50 31 00		SUPPLIES	31.17	
			401 - 534 50 31 00		SUPPLIES	46.88	
			401 - 534 50 31 00		SUPPLIES	1.10	
			403 - 535 50 31 00		SUPPLIES	0.40	
			403 - 535 50 31 00		SUPPLIES	31.17	
			403 - 535 50 31 00		SUPPLIES	11.72	
			402 - 537 50 31 00		SUPPLIES	31.17	
			403 - 538 30 31 00		OFFICE & OPERATING SUP.	0.13	
			101 - 542 30 31 00		SUPPLIES	0.40	
			101 - 542 30 31 00		SUPPLIES	31.17	
			101 - 542 30 31 00		SUPPLIES	23.44	
			101 - 542 66 31 00		SUPPLIES	0.13	
			101 - 542 66 31 00		SUPPLIES	23.44	
			101 - 542 67 31 00		SUPPLIES	0.13	
			101 - 542 70 31 00		SUPPLIES	0.13	
			101 - 542 70 31 00		SUPPLIES	0.40	
			101 - 542 70 31 00		SUPPLIES	128.93	
			101 - 542 90 31 00		OFFICE & OPERATING SUP.	0.39	
			128 - 547 60 31 00		OFFICE & OPERATING SUP.	0.26	
			128 - 547 60 31 00		OFFICE & OPERATING SUP.	0.13	
			001 - 576 80 31 00		SUPPLIES	9.05	
			001 - 576 80 31 00		SUPPLIES	1.70	
			001 - 576 80 31 00		SUPPLIES	31.17	
649	02/23/2015	Claims	2	89635	GILLILAND LAW FIRM PLLC	470.00	CONFLICT ATTORNEY - 02/2015
			001 - 515 91 41 00		INDIGENT GENERAL DEFE	470.00	
650	02/23/2015	Claims	2	89636	GRANT J HUNT CO	3,500.00	TOURISM DESIGN & MARKETING
			107 - 557 30 41 00		YAKIMA VALLEY TOURISM	3,500.00	
651	02/23/2015	Claims	2	89637	HUMANE SOCIETY OF	2,520.00	PD ANIMAL CONTROL SERVICES-JANUARY 2015
			001 - 554 30 41 00		PROF SERVICES-ANIMAL C	2,520.00	
652	02/23/2015	Claims	2	89638	INDEPENDENT WATER SERVICE INC	11.36	CH WATER & COOLER RENTAL-JAN 2015
			001 - 514 23 31 00		SUPPLIES	2.97	
			001 - 514 23 45 00		OPERATING RENTALS & LI	2.70	

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			001 - 514 30 31 00 -		SUPPLIES	2.98	
			001 - 514 30 45 00 -		OPERATING RENTALS & LF	2.71	
653	02/23/2015	Claims	2	89639	INTEGRA TELECOM	1,858.11	CH - 02/2015
			001 - 518 88 42 00 -		COMMUNICATION	1,858.11	
654	02/23/2015	Claims	2	89640	JOHNSON & JOHNSON LAW FIRM PLLC	7,100.00	INDIGENT DEFENSE - 01/2015
			001 - 515 91 41 00 -		INDIGENT GENERAL DEFE	7,100.00	
655	02/23/2015	Claims	2	89641	LAW OFFICES OF MARGITA DORNAY	7,083.33	PROSECUTOR - 02/2015
			001 - 515 20 41 00 -		PROF SERVICES - CRIMINA	7,083.33	
656	02/23/2015	Claims	2	89642	LEXISNEXIS	158.90	ONLINE SVC - 01/2015
			001 - 513 10 49 01 -		MISCELLANEOUS	158.90	
657	02/23/2015	Claims	2	89643	LOWES COMPANY INC	371.46	SUPPLIES
			001 - 518 20 31 00 -		SUPPLIES	56.89	
			001 - 518 20 31 00 -		SUPPLIES	6.11	
			401 - 534 50 31 00 -		SUPPLIES	5.64	
			403 - 535 50 31 00 -		SUPPLIES	5.64	
			403 - 535 50 31 00 -		SUPPLIES	280.26	
			402 - 537 50 31 00 -		SUPPLIES	5.64	
			101 - 542 30 31 00 -		SUPPLIES	5.64	
			001 - 576 80 31 00 -		SUPPLIES	5.64	
658	02/23/2015	Claims	2	89644	LOWES COMPANY INC	19.48	PD ICE MELT
			001 - 521 50 31 00 -		SUPPLIES	19.48	
659	02/23/2015	Claims	2	89645	MANSFIELD ALARM CO INC	1,556.78	ALARM SYSTEM INSTALLAND MONITORING - 02/15
			001 - 522 50 41 00 -		PROFESSIONAL SERVICES	1,512.23	
			001 - 522 50 49 00 -		MISCELLANEOUS	44.55	
660	02/23/2015	Claims	2	89646	MUNICIPAL CODE CORPORATION	2,360.19	SUPPLEMENT CODE OF ORDINANCE-02/2015
			001 - 511 60 49 01 -		MISCELLANEOUS	181.50	
			001 - 511 60 49 01 -		MISCELLANEOUS	181.50	
			001 - 513 10 49 01 -		MISCELLANEOUS	181.50	
			001 - 514 23 49 00 -		MISCELLANEOUS	181.50	
			001 - 514 30 49 00 -		MISCELLANEOUS	181.50	
			001 - 518 88 49 00 -		MISCELLANEOUS	181.50	
			001 - 524 20 49 00 -		MISCELLANEOUS	181.50	
			401 - 534 50 49 00 -		MISCELLANEOUS	181.50	
			403 - 535 50 49 00 -		MISCELLANEOUS	181.50	
			402 - 537 50 49 00 -		MISCELLANEOUS	181.50	
			101 - 543 30 49 00 -		MISCELLANEOUS	181.50	
			001 - 558 60 49 00 -		MISCELLANEOUS	181.50	
			001 - 576 80 49 00 -		MISCELLANEOUS	182.19	
661	02/23/2015	Claims	2	89647	NORTHWEST MAILING INC	162.68	IS 3 & 4 SERIES INK CARTRIDGE
			001 - 511 60 31 01 -		SUPPLIES	7.07	
			001 - 513 10 31 00 -		SUPPLIES	34.25	
			001 - 514 23 31 00 -		SUPPLIES	26.07	
			001 - 514 30 31 00 -		SUPPLIES	15.50	
			001 - 521 10 31 00 -		SUPPLIES	0.43	
			001 - 524 20 31 00 -		SUPPLIES	11.53	
			401 - 534 50 31 00 -		SUPPLIES	15.08	
			403 - 535 50 31 00 -		SUPPLIES	15.07	
			402 - 537 50 31 00 -		SUPPLIES	15.07	
			101 - 543 30 31 00 -		SUPPLIES	15.08	

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			001 - 558 60 31 00 -		SUPPLIES	6.96	
			001 - 576 80 31 00 -		SUPPLIES	0.57	
662	02/23/2015	Claims	2	89648	OFFICE DEPOT	124.99	INK CTG'S, STAPLES & DOOR STOP
			001 - 514 23 31 00 -		SUPPLIES	124.99	
663	02/23/2015	Claims	2	89649	OFFICE SOLUTIONS NORTHWEST	332.73	UB PAPER & INK CTG; PARCHMENT PAPER; COPY PAPER, MARKER CADDY & STAPLES; STICKY FLAGS
			001 - 511 60 31 01 -		SUPPLIES	4.93	
			001 - 513 10 31 00 -		SUPPLIES	23.89	
			001 - 513 10 31 00 -		SUPPLIES	7.11	
			001 - 514 23 31 00 -		SUPPLIES	18.18	
			001 - 514 30 31 00 -		SUPPLIES	54.06	
			001 - 514 30 31 00 -		SUPPLIES	33.95	
			001 - 521 10 31 00 -		SUPPLIES	0.30	
			001 - 524 20 31 00 -		SUPPLIES	8.04	
			401 - 534 50 31 00 -		SUPPLIES	44.98	
			401 - 534 50 31 00 -		SUPPLIES	10.52	
			403 - 535 50 31 00 -		SUPPLIES	44.98	
			403 - 535 50 31 00 -		SUPPLIES	10.51	
			402 - 537 50 31 00 -		SUPPLIES	44.99	
			402 - 537 50 31 00 -		SUPPLIES	10.51	
			101 - 543 30 31 00 -		SUPPLIES	10.52	
			001 - 558 60 31 00 -		SUPPLIES	4.85	
			001 - 576 80 31 00 -		SUPPLIES	0.41	
664	02/23/2015	Claims	2	89650	RODNEY G OTTERNESS	171.65	WCIA MTG
			001 - 513 10 43 01 -		TRAVEL	171.65	
665	02/23/2015	Claims	2	89651	OXARC INC	257.21	EAR PLUGS, STEEL TOE HIP BOOT
			401 - 534 50 31 00 -		SUPPLIES	44.96	
			403 - 535 50 31 00 -		SUPPLIES	44.96	
			402 - 537 50 31 00 -		SUPPLIES	44.96	
			101 - 542 30 31 00 -		SUPPLIES	32.43	
			101 - 542 30 31 00 -		SUPPLIES	44.95	
			001 - 576 80 31 00 -		SUPPLIES	44.95	
666	02/23/2015	Claims	2	89652	PACIFIC POWER	885.75	CH - 02/2015; AG MUSEUM - 01/2015
			001 - 518 20 47 00 -		UTILITIES/CITY HALL	583.84	
			107 - 571 10 47 00 -		UTILITIES-AG MUSEUM	301.91	
667	02/23/2015	Claims	2	89653	PETTY CASH	3.08	MISC RECEIPTS - 02/2015
			401 - 534 50 42 00 -		COMMUNICATION	0.41	
			403 - 535 50 42 00 -		COMMUNICATION	0.41	
			402 - 537 50 42 00 -		COMMUNICATION	0.16	
			403 - 538 30 42 00 -		STORMWATER COMMUNIC	0.49	
			101 - 542 30 42 00 -		COMMUNICATIONS	1.61	
668	02/23/2015	Claims	2	89654	PROTECTION ONE	31.36	ALARM MONITORING-2/2015
			001 - 518 31 41 00 -		PROFESSIONAL SERVICES	16.34	
			001 - 524 20 41 00 -		PROFESSIONAL SERVICES	2.14	
			401 - 534 50 41 00 -		PROFESSIONAL SERVICES	2.14	
			403 - 535 50 41 00 -		PROFESSIONAL SERVICES	2.14	
			402 - 537 50 41 00 -		PROFESSIONAL SERVICES	2.20	
			101 - 542 30 41 00 -		PROFESSIONAL SERVICES	2.14	
			001 - 558 60 41 00 -		PROFESSIONAL SERVICES	2.14	
			001 - 576 80 41 00 -		PROFESSIONAL SERVICES	2.12	

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Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
669	02/23/2015	Claims	2	89655	REPUBLIC PUBLISHING CO	673.72	PD CLERK ADVERTISING; NTC FOR FIRE ADVISORY COMMITTEE; SUMMARY OF ORD#2866;2867;2868;2869
					001 - 511 60 44 01 - ADVERTISING	222.32	
					001 - 511 60 44 01 - ADVERTISING	130.72	
					001 - 521 10 44 00 - ADVERTISING	320.68	
670	02/23/2015	Claims	2	89656	SEARS COMMERCIAL ONE	41.84	LID SWITCH
					401 - 534 50 31 00 - SUPPLIES	8.37	
					403 - 535 50 31 00 - SUPPLIES	8.37	
					402 - 537 50 31 00 - SUPPLIES	8.37	
					101 - 542 30 31 00 - SUPPLIES	8.37	
					001 - 576 80 31 00 - SUPPLIES	8.36	
671	02/23/2015	Claims	2	89657	SIX ROBBLEES INC	22.68	MULTI-FUNCTION BULB
					401 - 534 50 31 00 - SUPPLIES	1.13	
					402 - 537 50 31 00 - SUPPLIES	3.41	
					101 - 542 70 31 00 - SUPPLIES	9.07	
					001 - 576 80 31 00 - SUPPLIES	9.07	
672	02/23/2015	Claims	2	89658	SOUSLEY SOUND & COMMUNICATIONS	181.61	COUNCIL SYSTEM MOVED TO NEW LOCATION
					001 - 511 60 41 01 - PROFESSIONAL SERVICES	181.61	
673	02/23/2015	Claims	2	89659	TACTICAL SUPPLY	161.70	PD SGT DRAGO SCOUT BACKPACKS
					001 - 521 22 31 00 - SUPPLIES	161.70	
674	02/23/2015	Claims	2	89660	TOPPENISH CITY	1,698.95	PRISONERS BOARD & ROOM - 01/2015
					001 - 523 20 51 00 - DETENTION & CORRECTIC	1,698.95	
675	02/23/2015	Claims	2	89661	TRI-VALLEY CONSTRUCTION INC	302.68	PD ASBESTOS ANALYSIS
					001 - 521 50 41 00 - PROFESSIONAL SERVICES	302.68	
676	02/23/2015	Claims	2	89662	UNION GAP WATER FUND & SEWER	1,801.70	W/S/G-01/15; 3103 2nd ST-01/2015 102 WAHTANUM RD-01/2015 3106 1ST ST-01/2015; PD WATER, SEWER, G
					001 - 518 20 47 00 - UTILITIES/CITY HALL	208.20	
					001 - 521 50 47 00 - UTILITIES	104.07	
					403 - 535 50 47 00 - UTILITIES	129.22	
					101 - 543 30 47 00 - UTILITIES	130.17	
					001 - 576 80 47 00 - UTILITIES	1,230.04	
677	02/23/2015	Claims	2	89663	UNION GAP	60.00	YVCOG MTG-DO; MC; RW
					001 - 511 60 49 01 - MISCELLANEOUS	60.00	
678	02/23/2015	Claims	2	89664	UNITED BUSINESS MACHINES	70.18	KM-3050 COPIER LEASE-01/2015
					001 - 513 10 45 00 - OPERATING RENTALS & LE	70.18	

WARRANT/CHECK REGISTER

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679	02/23/2015	Claims	2	89665	US BANK CARDMEMBER SVC	3,058.59	AR-15/M16 CARBINE ARMORER & MOSSBERG 500/590 SHOTGUN ARMORER; 10 GALLON AIR COMPRESSOR; WELLNESS EVENT; CH INTERNET - 12/2014 - 02/2015; LEGISLATIVE CONFERENCE-OLSON; LEGISLATIVE CONFERENCE-CARNEY; US
					001 - 511 60 42 01 - COMMUNICATION	62.40	
					001 - 511 60 43 00 - TRAVEL	308.17	
					001 - 511 60 43 00 - TRAVEL	269.74	
					001 - 513 10 42 01 - COMMUNICATION	62.40	
					001 - 513 10 43 01 - TRAVEL	156.91	
					001 - 514 23 42 00 - COMMUNICATIONS	62.40	
					001 - 514 30 42 00 - COMMUNICATIONS	62.39	
					001 - 517 91 31 00 - SUPPLIES	335.77	
					001 - 521 40 31 00 - OFFICE & OPERATING SUP.	850.00	
					001 - 521 40 43 00 - TRAVEL	173.10	
					001 - 522 20 31 00 - SUPPLIES	216.19	
					001 - 524 20 42 00 - COMMUNICATION	62.39	
					401 - 534 50 42 00 - COMMUNICATION	62.39	
					403 - 535 50 42 00 - COMMUNICATION	62.39	
					402 - 537 50 42 00 - COMMUNICATION	62.39	
					101 - 542 30 42 00 - COMMUNICATIONS	62.39	
					001 - 558 60 42 00 - COMMUNICATION	62.39	
					001 - 558 60 42 00 - COMMUNICATION	62.39	
					001 - 576 80 42 00 - COMMUNICATION	62.39	
680	02/23/2015	Claims	2	89666	VALLEY LOCK & KEY SERVICE	37.17	DUPLICATE KEYS, KEY CAP AND KEY TAGS
					001 - 576 80 31 00 - SUPPLIES	37.17	
681	02/23/2015	Claims	2	89667	VALLEY MEDI-CENTER	35.00	PRE EMPLOYMENT IMUNIZATION
					001 - 522 20 41 00 - PROFESSIONAL SERVICES	35.00	
682	02/23/2015	Claims	2	89668	WA STATE DEP OF LICENSING	36.00	CONCEALED PISTOL LICENSE
					001 - 586 00 02 00 - WEAPONS PERMITS FEE	36.00	
683	02/23/2015	Claims	2	89669	WA STATE DEPT OF TRANSPORTATION	2,408.75	DECEMBER SALE OF SOLID/ LIQUID DE-ICER & MAINT SAND, SIGNAL MAINT, REPAIR & ADDITIONS
					101 - 542 64 51 00 - INTERGOVERNMENTAL PR	126.72	
					101 - 542 66 31 00 - SUPPLIES	2,282.03	
684	02/23/2015	Claims	2	89670	WA STATE TREASURER	11,960.24	CJRS-01/2015
					001 - 586 00 01 00 - STATE BUILDING CODE FE	18.10	
					001 - 586 00 04 00 - PSEA 1 STATE SHARE	5,646.34	
					001 - 586 00 05 00 - PSEA 2 STATE SHARE	3,229.24	
					001 - 586 00 06 00 - PSEA 3 STATE SHARE	97.20	
					001 - 586 00 07 00 - CRIME LAB/BREATH ST SH	117.91	
					001 - 586 00 08 00 - JIS STATE SHARE	1,329.21	
					001 - 586 00 09 00 - SCH ZONE SAFETY ST SHA	533.29	
					001 - 586 00 10 00 - TRAUMA CARE STATE SHA	402.20	
					001 - 586 00 13 00 - AUTO THEFT PREVENTION	586.75	
685	02/23/2015	Claims	2	89671	YAKIMA CITY TREASURER	343.00	LETTERHEAD & ENVELOPES
					001 - 513 10 49 01 - MISCELLANEOUS	343.00	

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CITY OF UNION GAP
MCAG #: 0853

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Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
686	02/23/2015	Claims	2	89672	YAKIMA CO DISTRICT COURT	49,864.66	MUNICIPAL COURT OPERATING AGREEMENT - 01/2015; MUNICIPAL COURT OPERATING AGREEMENT - 02/15
			001 - 512 50 51 01 - INTERGOVERNMENTAL PR			24,932.33	
			001 - 512 50 51 01 - INTERGOVERNMENTAL PR			24,932.33	
687	02/23/2015	Claims	2	89673	YAKIMA CO PUBLIC SERVICES	64.90	12TH AVE BRIDGE INSPECTION
			101 - 542 30 51 01 - INTERGOVERNMENTAL PR			64.90	
688	02/23/2015	Claims	2	89674	YAKIMA CO TREAS PROSECUTING	215.57	CVC-01/2015
			001 - 586 00 03 00 - CRIME VICTIMS COMP CN'			215.57	
689	02/23/2015	Claims	2	89675	YAKIMA VALLEY LIBRARIES	19,250.00	2015 LIBRARY SERVICES
			001 - 572 20 51 00 - LIBRARY SERVICES			19,250.00	
691	02/23/2015	Claims	2	89676	JUNDT PMC	4,495.10	OVERPAYMENT REFUND
			401 - 586 01 04 01 - 210-10) WATER REFUNDS			4,495.10	
692	02/23/2015	Claims	2	89677	UNITED STATES POSTMASTER	782.46	UB STATEMENTS - 02/2015
			401 - 534 50 42 00 - COMMUNICATION			260.82	
			403 - 535 50 42 00 - COMMUNICATION			260.82	
			402 - 537 50 42 00 - COMMUNICATION			260.82	
			511 Legislative			20,906.56	
			512 Judicial			49,864.66	
			513 Executive			1,254.34	
			514 Finance			3,791.06	
			515 Legal Services			14,724.45	
			521 Law Enforcement			7,221.54	
			522 Fire Control			1,807.97	
			576 Park Facilities			3,714.23	
			580 Non Expeditures			12,211.81	
			001 Current Expense Fund			115,496.62	
			542 Streets - Maintenance			4,693.33	
			543 Streets Admin & Overhead			409.28	
			101 Street Fund			5,102.61	
			514 Finance			12,131.96	
			107 Convention Center Reserve Fund			12,131.96	
			547 Transit Systems & Railroads			37,915.86	
			128 Transit System Fund			37,915.86	
			534 Water Utilities			6,611.08	
			580 Non Expeditures			4,554.79	
			401 Water Fund			11,165.87	
			537 Garbage & Solid Waste Utilitys			6,008.63	
			402 Garbage Fund			6,008.63	
			535 Sewer			3,331.32	
			538 Other Utilities/Activities			0.62	

WARRANT/CHECK REGISTER

CITY OF UNION GAP
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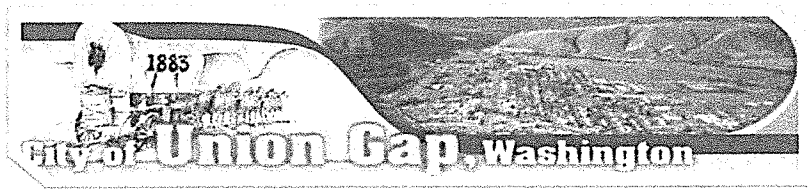
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Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
		403 Sewer Fund				3,331.94	
		580 Non Expenditures				150.00	
		414 Water Deposits				150.00	
						—————	Claims: 191,303.49
						191,303.49	

CERTIFICATION: I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described and that the claim is a due and unpaid obligation against the City of Union Gap, and that I am authorized to authenticate and certify to said claim.

Certified By: _____ Date: _____

() Finance Director () Auditing Officer () Deputy Finance Director



City Council Communication

Meeting Date: February 23, 2015
From: Karen Clifton, Director of Finance and Administration
Topic/Issue: Petty Cash, February 23, 2015

SYNOPSIS: Petty Cash Vouchers Dated February 23, 2015 for the month of January, 2015.

RECOMMENDATION: Request Council to approve Voucher No. 1836 in the amount of \$60.00.

LEGAL REVIEW: N/A

FINANCIAL REVIEW: N/A

BACKGROUND INFORMATION: N/A

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: Petty Cash Voucher Roster

WARRANT/CHECK REGISTER

CITY OF UNION GAP
MCAG #: 0853

01/01/2015 To: 01/31/2015

Time: 15:55:46 Date: 02/09/2015

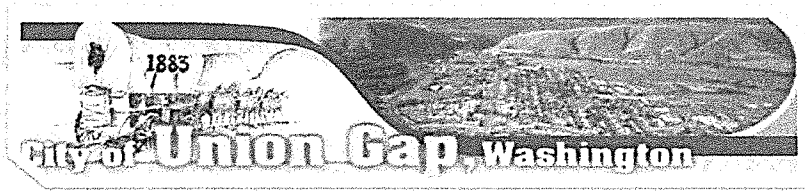
Page: 1

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
432	01/21/2015	Claims	637	1836	TACO SHACK	60.00	YVCOG MTG - DO; RW; MC
		635 Petty Cash				60.00	
						60.00	Claims: 60.00
		* Transaction Has Mixed Revenue And Expense Accounts				60.00	

CERTIFICATION: I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described and that the claim is a due and unpaid obligation against the City of Union Gap, and that I am authorized to authenticate and certify to said claim.

Certified By: _____ Date: _____

() Finance Director () Auditing Officer () Deputy Finance Director



City Council Communication

Meeting Date: February 23, 2015
From: Bronson Brown; City Attorney
Topic/Issue: Resolution – Amendment to Clary Development Agreement

SYNOPSIS: The City entered into a Development Agreement in March of 2010 with James Clary. This agreement puts conditions on property owned by Hackett Properties. The Hackett's have requested this agreement be amended to remove the conditions under the agreement pertaining to their property since they were never a party to the Development Agreement.

RECOMMENDATION: Adopt a Resolution authorizing the City Manager to sign an amendment to this Development Agreement.

LEGAL REVIEW: The City Attorney Prepared the Resolution.

FINANCIAL REVIEW: N/A

BACKGROUND INFORMATION:

ADDITIONAL OPTIONS: N/A

ATTACHMENTS: 1. Resolution
2. Proposed Amendment

CITY OF UNION GAP, WASHINGTON
RESOLUTION NO. _____

A RESOLUTION authorizing the City Manager to sign an amendment to the Development Agreement (Agreement) recorded April 7, 2010 between the City, Hackett Properties, and James Clary;

WHEREAS, the City of Union Gap entered into the Agreement with James and Terri Clary on March 25th, 2010 and recorded with Yakima County on April 7, 2010;

WHEREAS, the Agreement pertains to the facilitation of development of commercial and light industrial-zoned property in the vicinity of Valley Mall Boulevard;

WHEREAS, the Agreement sets out conditions for property owned by Hackett Properties;

WHEREAS, Hackett Properties was not a party to the Agreement and has requested to be relieved of the conditions under the Agreement

NOW, THEREFORE, BE IT RESOLVED BY THE UNION GAP CITY COUNCIL as follows:

That the City Manager is authorized to sign the amendment to the Development Agreement dated March 25th, 2010.

PASSED this 23rd day of February, 2015.

Roger Wentz, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Clifton, City Clerk

Bronson Brown, City Attorney

RETURN TO:

**STOKES LAWRENCE
VELIKANJE, MOORE & SHORE**
Attention: Dustin E. Yeager
120 N. Naches Avenue
Yakima, Washington 98901-2757

AMENDMENT TO DEVELOPMENT AGREEMENT

Reference No(s). of related documents: 7687575

Grantor(s): (1) CLARY UNION GAP, LLC
(2) CLARY, JAMES E.
(3) CLARY, TERRI L.
(4) CITY OF UNION GAP

Grantee(s): (1) HACKETT ACRES, LLC

Abbreviated Legal Description: Ptn. W1/2 SE1/4 SW1/4 S31 T13N R19 EWM. Complete legal description is on Exhibit A of this document.

Assessor's Tax Parcel ID No(s): 191331-34002

THIS INSTRUMENT is hereby entered into this ____ day of _____ 2015, ("Effective Date") by and between **CLARY UNION GAP, LLC**, a Washington limited liability company, and **JAMES E. CLARY** and **TERRI L. CLARY**, husband and wife, (collectively "Clary"), **CITY OF UNION GAP**, a municipal corporation, ("Union Gap"), and **HACKETT ACRES, LLC**, a Washington limited liability company ("Hackett").

DEVELOPMENT AGREEMENT. The term "Development Agreement," when used in this instrument, means that certain Development Agreement recorded on April 7, 2010, under Yakima County Auditor's File No. 7687575.

HACKETT PROPERTY. The term "Hackett Property," when used in this instrument, means the Yakima County, Washington real property described on attached Exhibit A, which is owned by Hackett and commonly referred to as Yakima County Assessor's Parcel No. 191331-34002.

AGREEMENT. FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND ADEQUACY ACKNOWLEDGED, AND FOR THE PURPOSE OF TERMINATING THE CLOUD ON TITLE TO THE HACKETT PROPERTY CREATED BY THE DEVELOPMENT AGREEMENT TO WHICH THE OWNERS OF THE HACKETT PROPERTY ARE NOT PARTIES, THE UNDERSIGNED PARTIES HEREBY AGREE FOLLOWS:

1. **HACKETT PROPERTY.** All references to the Hackett Property in the Development Agreement are hereby removed and of no force or effect. Furthermore, the undersigned parties hereby acknowledge that the existing and future owners of the Hackett Property have no obligations under the Development Agreement and that neither the above-described Development Agreement nor the other development agreement (dated March 4, 2008) described in Section 4 of the Development Agreement apply to or encumber the Hackett Property. For the avoidance of doubt, it is hereby expressly acknowledged that Sections 3(e) and 3(f) of the Development Agreement do not apply to the Hackett Property.
2. **BINDING EFFECT; COVENANTS RUNNING WITH THE LAND.** The provisions of this instrument are binding on the undersigned parties and their respective heirs, successors, or assigns and constitute covenants appurtenant to and running with the land.
3. **GENERAL TERMS.**
 - 3.1 **Governing Law And Venue.** This instrument was made under the laws of the state of Washington, and if it becomes necessary to interpret or enforce any of this instrument's terms, the laws of the state of Washington will apply. The proper and exclusive venue for any proceeding to interpret or enforce this instrument will be Yakima County, Washington.
 - 3.2 **Headings.** The captions and paragraph headings used in this instrument are inserted for convenience of reference only and are not intended to define, limit, or affect the interpretation or construction of any term or provision of this instrument.
 - 3.3 **Attorney Fees.** If any party to this instrument brings a legal action to interpret or enforce this instrument, the substantially prevailing party in the action will be entitled to an award of the reasonable attorney fees and costs the party incurs in the action, whether in mediation, arbitration, at trial, on appeal, or in a bankruptcy proceeding.
 - 3.4 **Entire Agreement.** This instrument constitutes the entire understanding and agreement of the parties to this instrument with respect to its subject matters. All prior agreements, understandings, or representations, if any, with respect to this instrument's subject matter are canceled in their entirety and are of no further force or effect.

[Signatures on Following Page]

EXECUTED effective as of the Effective Date first above written.

HACKETT ACRES, LLC

CLARY UNION GAP, LLC

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

CITY OF UNION GAP

JAMES E. CLARY, individually

By: _____

Name: _____

Title: City Manager

TERRI L. CLARY, individually

STATE OF WASHINGTON)

) ss.

COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the _____ of **HACKETT ACRES, LLC**, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____, 2015.

(print name)

NOTARY PUBLIC in and for the state of Washington, residing at _____

My appointment expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I certify that I know or have satisfactory evidence that _____
is the person who appeared before me, and said person acknowledged that she signed this
instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as
the **CITY MANAGER** of the **CITY OF UNION GAP**, a Washington corporation, to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____, 2015.

(print name)
NOTARY PUBLIC in and for the state of
Washington, residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I certify that I know or have satisfactory evidence that _____
is the person who appeared before me, and said person acknowledged that she signed this
instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as
the _____ of **CLARY UNION GAP, LLC**, a Washington limited liability
company, to be the free and voluntary act of such party for the uses and purposes mentioned in the
instrument.

DATED: _____, 2015.

(print name)
NOTARY PUBLIC in and for the state of
Washington, residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I certify that I know or have satisfactory evidence that **JAMES E. CLARY** and **TERRI L. CLARY** are the persons who appeared before me, and said persons acknowledged that they each signed this instrument and acknowledged it to be their free and voluntary acts for the uses and purposes mentioned in the instrument.

DATED: _____, 2015.

(print name)
NOTARY PUBLIC in and for the state of
Washington, residing at _____
My appointment expires _____

EXHIBIT A

Legal Description of Hackett Property

The West half of the Southeast quarter of the Southwest quarter of Section 31, Township 13 North, Range, 19 E.W.M.;

EXCEPT the North 25 feet thereof for county right-of-way;

AND EXCEPT the South 40 feet thereof;

AND EXCEPT the following described parcel;

BEGINNING at the Southwest corner of said subdivision, thence North 00°03'43" West along the West line of said subdivision, a distance of 40.01 feet; thence South 89°04'09" East parallel with the South line of said subdivision, a distance of 202.55 feet to the true point of beginning; thence North 80°03'44" East, a distance of 61.09 feet; thence South 89°03'55" East, a distance of 100.00 feet; thence South 80°52'51" East, a distance of 80.83 feet; thence North 89°04'09" West, a distance of 240 feet to the true point of beginning.

Situated in Yakima County, Washington.