

UNION GAP CITY COUNCIL REGULAR MEETING
UNION GAP COUNCIL CHAMBERS
Union Gap, Washington
February 27, 2023, Regular Meeting
MINUTES

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

Council Members Present Council Members Murr, Wentz, Galloway, Hansen, Schilling, and Dailey were present.

Staff Present Interim City Manager Bounds, City Attorney Brown, Police Chief Cobb, Fire Chief Markham, Public Works and Community Development Director Henne, Civil Engineer Dominguez, Finance and Administration Director Clifton, Building Official/Plans Examiner Cavanaugh, and Clerk Receptionist Martinez were present.

Audience Present See attached list.

Pledge of Allegiance Council Member Schilling led the pledge of allegiance.

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

Regular Council Meeting Minutes dated February 13, 2023, as attached to the Agenda and maintained in electronic format.

Claims Vouchers – EFT’s, Voucher No. 106051 through 106118 for February 27, 2023, in the amount of \$276,971.88.

Motion carried unanimously.

General Items

Presentation

Yakima Valley Tourism – John Cooper, CEO Yakima Valley Tourism President & CEO, John Cooper addressed the Council to give an annual report for 2022, distributing printed copies. Cooper stated that there are 2.3 million visitors per year visiting Yakima County, spending approximately 342 million while in our communities, which generates more than 4,600 jobs, either directly or indirectly, and 48 million dollars in state and local taxes. Cooper spoke about the visitor center location located in the Valley

Mall, and since opening in October 2022 a total of 682 people have visited, with 586 visitor guides being distributed to those visitors. Cooper gave an overview of past and ongoing Union Gap related projects.

Yakima Basin Fish & Wildlife Recovery Board – Alex Conley, Executive Director

Yakima Basin Fish & Wildlife Recovery Board Executive Director, Alex Conley addressed the Council to give a presentation explaining who they are and what they have been doing. Funding comes from a mix of state and federal funds. There have been 170 projects, which include Salmon Recovery and Family Forest Fish Passage programs. Conley stated that the City of Union Gap has held one of the two Yakima Co. city seats since 2008 which is currently vacant, and the Board would like to ask the City of Union Gap to either appoint someone to fill the seat or relinquish it, so another city can participate. Mayor Hodkinson stated that it would be brought up at one of the Council's discussion meetings. Mayor Hodkinson asked what the status was on the Wide Hollow and Ahtanum creeks in regards to fish. Conley explained that the Ahtanum creek is in the recovery plan, but Wide Hollow is a much smaller creek and is not at this time.

Public Hearing

Ziply Fiber Pacific, LLC Franchise Agreement

At 6:25 p.m. Mayor Hodkinson opened a Public Hearing to receive public testimony regarding Ziply Fiber Pacific, LLC Franchise Agreement. Public Works and Community Development Director Henne gave an overview of the agreement. With no written or public testimony Mayor Hodkinson closed the Public Hearing at 6:28 p.m.

Public Works & Community Development

Ordinance No. – 3039 – Franchise Agreement with Ziply Fiber Pacific, LLC

Motion by Council Member Wentz, second by Council Member Murr to approve Ordinance No. – 3039 – granting Ziply Pacific, LLC, A Delaware Corporation, a Non-Exclusive Franchise to construct, operate & maintain a Telecommunications Network within the City of Union Gap. Council Member Schilling asked if there was a limit to how many are allowed. Henne responded that there was not. Motion carried unanimously.

Public Hearing

Closed Record Hearing – Proposed Matson/Frank Rezone

At 6:30 p.m. Mayor Hodkinson opened a Closed Record Hearing for consideration of the Hearing Examiner's recommendation of the proposed Matson/Frank Rezone.

City Attorney Brown addressed the Council to explain testimony that

could be presented are from the applicant, or those who provided testimony at the public hearing of the hearing examiner, or submitted written testimony. With closed record hearings the appearance of fairness doctrine also applies and asked the Council and audience some questions pertaining to fairness.

Yakima Valley Conference of Governments, Land Use Planning Manager, Byron Gumz, representing the City of Union Gap addressed the Council to explain the proposal to rezone an area to wholesale warehouse. There was a total of 6 comments received. There are 8 criteria that need to be met. The staff report recommended approval, the hearing examiner likewise recommended approval based on the criteria that would bring the zoning into compliance with the comprehensive plan and future land use map. There were four conditions that were outlined with that recommendation for approval which Gumz read out-loud, one being that property boundaries adjacent to residential zoning districts shall view obscuring fences installed that is approved in advance by the City. Council Member Galloway inquired if there is code enforcement available to oversee the fences. Gumz replied that City of Union Gap Building Official/Plans Examiner Cavanaugh is currently involved with Code Enforcement for the City, and has already contacted one business at this location who was out of compliance.

Dave Matson addressed the Council to ask for approval stating that it goes along with the comprehensive plan. Max Villegas addressed the Council stating that Mr Matson was privileged to inside information as a Council Member acting as Deputy Mayor, and was able to change the zoning of property in the future land use map from residential to industrial after a vote from Council so he got the knowledge of the future land use map. Villegas and his neighbours had no knowledge of any map, and are worried about the rezoning because when the business was in existence in the area they were worried about their family's safety due to the traffic, and requests that Council do not approve the rezone; Valentina Martinez served as a translator on behalf of Maria Villegas who read Mrs Villegas's correspondence, which stated that they would not like the zoning change and asked Council to vote no; Erik Hackler addressed the Council stating that he is a property owner who has lived in the area since 2008, and is against the rezoning because he is afraid that the property will look like Matson's property on Valley Mall Blvd.; a resident at 2604 4th street doesn't want rezone because he goes to school early and his parents work, and they wont sleep well with all the noise, and don't want all of the junk cars in the neighbourhood; Teresa Charvet read her written statement explaining that there had already been one

business in this location operating illegally, creating a noisy environment, and that the people making the rezoning recommendations do not even live in Union Gap. She is asking the Council Members, who do live in Union Gap to vote to support the families of Union Gap who count on them; Dan Charvet stated that he thinks that Union Gap needs more houses not less, and is opposed to the rezoning.

Mayor Hodkinson closed the Public Hearing at 7:04 p.m.

City Attorney

Ordinance - - Proposed
Matson/Frank Rezone

City Attorney Brown explained that if the applicants don't like the decision of the Council, they can appeal it to Superior Court. The Council has the option to approve and adopt the Hearing Examiner's decision, or to not adopt it. If Council decides not to approve the rezone, and not adopt the Hearing Examiners decision the Council needs to adopt findings, drafted up and adopted as the Council Decisions. If appealed, the Superior Court would review the Union Gap Code, look at the eight criteria, and look at the Council's decision and findings. If the decision is not based on the facts, it could be overturned. The Code reads that the decision needs to be made within 10 days of the closed record hearing. If Council passes a motion not to approve the rezone and go against the Hearing Examiners decision, they will have to adopt findings within 10 days, or provide a reason why you can't have a decision within 10 days, and an estimate of when the decision will be made.

Motion by Council Member Wentz to make a notification that Council will not be making a decision tonight and will be postponed for 14 days until the following Council Meeting, and at that point a decision will be made, second by Council Member Galloway. Discussion will be held at the next Study Session to discuss options. Motion carried unanimously.

Items from the Audience

Benine McDonnell, Board Member of the Union Gap Library and Community Center 501c3, reported that on Feb. 21st they held a ZOOM meeting with 5 board members, Interim City Manager Bounds, Public Works and Community Development Director Henne, and United States Dept. of Agriculture Rural Development Programs Director, Connie Reynolds, regarding the grant received by the OMNI bill. They will have a lot of things to do, and will be going forward.

City Manager Report

Interim City Manager Bounds stated she is proposing to have the Budget Retreat Thursday, March 30th, and would like to get

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concurrence on that date; reported that the City hosted the YVCOG meeting at the Youth Barn which went well, with about 40 to 45 people in attendance, giving Council Highlights on discussion regarding Housing Action plans and House Bill 1220 legislation. Byron Gumz clarified some of the facts and answered additional questions. Bounds stated that staff will be working diligently on the updates

Communications/Questions/Comments

None.

Development of next Agenda

None.

Recess to 10 Minute Executive Session

At 7:30 p.m. Mayor Hodkinson announced a recess to 10 minute executive session to review the performance of a public employee, per RCW 42.30.110 (g). The Council May be taking action after the executive session. Mayor Hodkinson reconvened the Regular meeting at 7:40 p.m.

Council

Resolution No. – 23-15 –
City Manager Employment
Contract

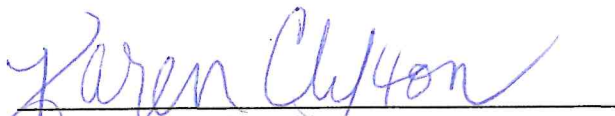
Motion by Council Member Galloway, second by Council Member Wentz to approve Resolution No. – 23-15 – authorizing the Mayor to sign an Employment Contract with Sharon Bounds to be employed as the City Manager. Motion carried unanimously.

Adjournment of Meeting

At 6:14 p.m., Mayor Hodkinson adjourned the February 13, 2023 regular Council Meeting.


Sharon Bounds, City Manager

ATTEST:


Karen Clifton, City Clerk

