

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
June 13, 2011

<u>Call to Order</u>	Mayor Lemon called the Regular Meeting of the Union Gap City Council to order at 7:00 p.m.
<u>Council Members Present</u>	Council Members David Butler, Dan Olson, Roger Wentz, Dave Matson, James Murr and Chad Lenz were present.
<u>Staff Present</u>	Robert Noe, City Attorney; Robert Almeida, Police Chief; Chris Jensen, Fire Chief; Dennis Henne, Public Works Director, and Kathryn Thompson, City Clerk were present.
<u>Audience Present</u>	Dave Edler, Mark Carney, Debbie Matson, Stephanie Murr, John Hodkinson, Tim Whitehurst, Jo Collier, Scott Steinloski, Sylvia Sanchez, Barry Schwindt, and others were present.
<u>Pledge of Allegiance</u>	The Public Works Director led the Pledge of Allegiance.
<u>Special Award Presentations</u>	The Mayor presented a certificate to the Public Works Director for Barry Bryant, Public Works Maintenance, for 10 years of service to the City.
<u>Excuse Council Member</u>	Motion by Council Member Wentz, seconded by Council Member Lenz to excuse Council Member Vanover from tonight's meeting. Motion carried unanimously; Council Member Vanover absent.
<u>Consent Agenda</u>	Council Member Lenz requested Ordinance No. 2729 creating a City General Reserve Fund be removed from the consent agenda. Motion by Council Member Wentz, seconded by Council Member Butler to approve the consent agenda, as amended, as follows: Approve the Study Session Council Meeting Minutes, dated May 23, 2011, as sent out on pages 5206 through 5209 of the Minute Book. Approve the Regular Council Meeting Minutes, dated May 23, 2011, as sent out on pages 5210 through 5215 of the Minute Book. Approve Claim Voucher Nos. 79811 through 79847, in the amount of \$218,279.78 dated May 31, 2011 and transfer from the operating funds to the Claims Fund. Approve Payroll Voucher Nos. 34490 through 34573, in the amount of \$190,639.82 dated May 31, 2011 and transfer from the operating funds to the Payroll Fund. Approve Claim Voucher Nos. 79848 through 79951, in the amount of \$430,109.96 dated June 13, 2011 and transfer from the operating funds to the Claims Fund. Adopt Resolution No. 940, A Resolution authorizing the Mayor to sign the 2011 Collective Bargained Agreement with the International Association of Fire Fighters Union Local No. 3680. Set public hearing for the Six-Year Transportation Improvement Program for June 27, 2011 at 7:00 p.m. Motion carried unanimously; Council Member Vanover absent.
<u>Presentation from Yakima Council Member Dave Edler</u>	Dave Edler, Yakima City Council Member, thanked the Mayor and Council for allowing him to speak regarding a Public Facilities District (PFD) and the Yakima Bears. He stated 70,000 fans and 300 businesses support the Bears

Regarding a Public
Facilities District

annually and this is a quality of life asset for the community. He stated the politicians knew or should have known the only funding source in our region to build a new stadium and keep the Bears was the PFD. He stated with the Yakima City Council he argued that 7 members of the City Council could say no more professional baseball in our region by not letting the PFD go to a vote of the people. He stated the Union Gap Council and the Selah Council has that same power to say no because it will not happen in the Yakima Valley if the three cities cannot come together. Vancouver is well along in the process of recruiting the Bears, but we could send a strong message to the Bears that we want them to stay. The Yakima City Council voted to allow the PFD to go on the ballot so he is seeing if there is the political will to stand together and allow the people to vote.

Mayor Lemon clarified that Mr. Edler would like a poll of the Council to see if Union Gap would agree to place this on the ballot if Selah agrees.

Council Member Murr questioned why the Bears want to leave the current stadium.

Mr. Edler stated the design of the stadium is a hindrance to the baseball team; it does not allow them to realize the money they could make from souvenirs and concessions if it were designed differently. He stated location and parking fees are also an issue for the team.

Mayor Lemon questioned if the proposal would be for a multi-purpose facility.

Mr. Edler stated the Bears would like a design that would allow them to host other events such as soccer and concerts so the facility can be utilized many more days each year.

Mayor Lemon questioned if the Yakima City Council agrees with a multi-purpose facility.

Mr. Edler stated yes.

Council Member Butler questioned if the Yakima City Council is in favor of this.

Mr. Edler stated they are in favor of allowing the people to vote to decide and stated if the Council does not want to do this they need to tell the community they are not willing to do it.

Council Member Matson questioned if a location has been discussed.

Mr. Edler stated no, the question is whether or not to let the citizens decide if they want baseball to remain in the community. He stated there are three communities involved and the specifics will have to be worked out if the PFD passes.

Council Member Murr questioned how the current stadium was funded.

Council Member Olson stated \$250,000 of the funding for the current stadium came from Union Gap. He then commented there is already a PFD that provides money to the convention center, capital theatre, and museum and Union Gap has no control over that. He questioned why Yakima does not form its own PFD.

Mr. Edler stated he is only aware of the ability to form a regional PFD.

The City Attorney stated a PFD can be formed with a minimum of \$10 million bond from 2/10th's of a percent of sales tax revenue, but he is not familiar with

Yakima's situation.

Council Member Butler questioned if Yakima would be interested without Union Gap and Selah.

Mr. Edler stated Yakima is willing to use the PFD that already exists.

Council Member Olson commented he does not know how the existing PFD could be used.

Mr. Edler stated it is his understanding that there is 2/10th's that we have access to.

Council Member Olson stated there is .033 available.

Mr. Edler stated that is not what he has been told.

Mayor Lemon commented when the existing PFD expires in 2013, the money remains with the State.

Council Member Butler stated he does want baseball here somewhere, but he hates to jump on this right away. He informed he would like to see Union Gap get a PFD going.

Mayor Lemon stated Union Gap could possibly do a \$15 million bond or maybe a \$10 million bond, but Yakima has three to four times our sales tax revenue.

John Hodgkinson questioned if all of the .033 is being collected or if there is still 0.22 available.

Council Member Olson stated the board decides what is spent, but the whole amount is being collected.

Mayor Lemon stated there is 2/10th's of a percent available and the state has given up a portion in the past.

Mayor Lemon announced he would poll the Council to see if they support placing this on the ballot in the future.

Council Member Lenz thanked Mr. Edler for coming and stated he cannot support anything that potentially raises taxes.

Council Member Butler questioned if this would be in addition to the tax we have right now with Yakima

Scott Steinloski, Tourism Promoter, stated there are two funding options with a PFD: 2/10th's sales tax rebate that is already going to Yakima PFD, or an additional 2/10th's bond which would be additional sales tax.

Council Member Wentz questioned if the taxes reduce in 2013 when the current PFD expires.

The Tourism Promoter stated no, but Union Gap or Yakima could apply for the 2/10th's or apply to renew the PFD in 2013.

Council Member Olson commented the PFD is only renewable to existing parties prior to a certain date.

Council Member Wentz stated he has too hard of a problem telling voters they do not have a voice.

Council Member Matson stated it is not a good enough plan for him to vote for it.

Council Member Murr stated the voters should decide.

Council Member Olson stated with the economy the way it is he can't vote for it; he understands people should have the opportunity to vote, but the reason the Council is elected is to make the tough decisions.

Mayor Lemon stated he would like to know this would be a multi-purpose facility and would like to know there is a possibility that it would be built in our town. He explained the problem with him voting to break the tie is that when this comes back on the agenda he will not be voting so he is not sure it would be a true, honest commitment from the Council. He stated Council Member Vanover is absent and he was adamant about not forming a PFD and expecting private property owners to pay for this. He stated he has no problem with saying the voters should decide because the voters have the intelligence to make the decision, and he will vote yes, but most likely his vote will not count for a commitment from the Council.

The result of the poll to see if Council supports placing this on the ballot in the future was: Council Members Butler, Wentz, Murr, and Mayor Lemon in favor; Council Members Lenz, Matson, and Olson opposed.

Ordinance No. 2729 –
Amending Municipal
Code – Creating City
General Reserve Fund

Mayor Lemon informed Council Member Matson requested this fund be created.

Council Member Lenz stated he understood there was already a reserve fund that was not being utilized.

Council Member Wentz stated he believes there is confusion over the ending fund balance and the general reserve fund.

Council Member Olson stated the State BARS accounting system has a new provision in 508.80 requiring the City to have a reserve fund, and it should be 15 percent of the general budget, but the Council needs to determine what amount to put in the fund.

Council Member Wentz stated since the state has already added a fund; we probably need to adopt this ordinance so we have the fund.

Council Member Olson stated the general reserve fund is needed so the City ends the year with enough money to get through the 1st quarter of each year.

Mayor Lemon stated this ordinance just creates the fund; it does not put any money in the fund.

Council Member Lenz questioned if this is creating an item that has already been created.

Mayor Lemon stated the ending fund balance is what the City considers our general reserve fund, but this ordinance creates a special fund.

Council Member Matson stated it would have been good to have had this fund four years ago so he would like to see it in place now.

Motion by Council Member Wentz, seconded by Council Member Murr to adopt and publish Ordinance No. 2729, An Ordinance creating a new Chapter 3.144 to the Union Gap Municipal Code entitled "City General Reserve Fund" and establishing a "City General Reserve Fund".

Council Member Olson stated the ordinance needs to be clarified because

between 5 and 15 percent is up to interpretation.

Mayor Lemon stated this ordinance does not put anything in the fund right now. The City Attorney stated the ordinance does not call for any amount of money right now and there is no requirement or commitment to maintain a balance of 5 to 15 percent, it shows the Council is striving to get to that level.

Council Member Matson stated he would like to see 5 percent now and 15 percent in good times.

The City Attorney stated once money goes into this fund it takes a majority vote plus one to take the money out.

Mayor Lemon called for a vote on the motion by Council Member Wentz, seconded by Council Member Murr to adopt and publish Ordinance No. 2729, An Ordinance creating a new Chapter 3.144 to the Union Gap Municipal Code entitled “City General Reserve Fund” and establishing a “City General Reserve Fund”. Motion carried unanimously; Council Member Vanover absent.

Resolution No. 941 –
Agreement with People
for People for Senior
Meals Program

Motion by Council Member Butler, seconded by Council Member Wentz to adopt Resolution No. 941, A Resolution authorizing the Mayor to sign an Agreement with People for People for use of the City’s Senior Center for a Senior Nutrition Program. Motion carried unanimously; Council Member Vanover absent.

Ordinance No. 2730 –
Amending Ordinance
No. 2707 Establishing
Union Gap Tourism
Promotion Area

Motion by Council Member Wentz, seconded by Council Member Olson to adopt Ordinance No. 2730, An Ordinance amending Ordinance No. 2707 establishing the Union Gap Tourism Promotion Area by setting a new date on which the special assessment shall go into effect. Motion carried unanimously; Council Member Vanover absent.

Discuss Ordinance No.
2697 – Providing for
5% of Sales Tax
Collected to be
Deposited to the City’s
Current Expense Fund
for the Year 2011

Mayor Lemon stated the Council asked that this ordinance be brought back in June.

Council Member Matson stated he would like to see 10 percent going into the 124 fund.

The City Clerk explained this ordinance was passed last December so if the Council wishes 10 percent to go into the 124 fund, this ordinance would need to be rescinded.

Mayor Lemon stated the City has an ordinance placing 10 percent into the 124 fund so if this ordinance is rescinded, 10 percent will be placed in the 124 fund and there will no longer be 5 percent of the sales tax going into the general fund which will cut the general fund short about \$180,000.

Motion by Council Member Matson, seconded by Council Member Olson to rescind Ordinance No. 2697, An Ordinance providing that five percent (5%) of sales tax collected be deposited to the City's Current Expense Fund, Fund No. 001, for the year 2011 only in lieu of collection and deposit to the Infrastructure Reserve Fund, Fund No. 124. Motion failed: Council Members Butler, Wentz, Murr, and Lenz voting no; Council Members Olson and Matson voting in favor; Council Member Vanover absent.

Ordinance No. 2710 –
Amend 2011 Budget –
Re-funding Position of
Police Clerk (Records)

Mayor Lemon stated he spoke with the Police Chief and the Chief said they can do without this position the rest of this year.

The Police Chief stated at this point in the year, everyone is pitching in and making it work and they understand the budgetary issues.

Ordinance No. 2712 –

Mayor Lemon questioned if any work is being neglected.

Amend 2011 Budget –
Re-funding Admin.
Secretary (Fire)
Position to Fulltime
Ordinance No. 2714 –
Amend 2011 Budget –
Re-funding Finance
Tech (Accounts
Payable) Position to
Fulltime

The Police Chief stated no.

Council Member Lenz suggested tabling this item until next year.

Motion by Council Member Wentz, seconded by Council Member Murr to table Ordinance Nos. 2710, 2712, and 2714 until January with discussion of the positions during budget this Fall. Motion carried unanimously; Council Member Vanover absent.

Council Member Wentz stated the Council needs to prioritize positions and projects so they have a strong budget that is accountable and dependable.

Mayor Lemon stated the Council also needs to protect the 124 fund if they are serious about water service to new areas.

Development of 6/27/11
Council Agenda

Mayor Lemon informed he vetoed the Council legislative budget cuts and questioned if the Council wants that placed on the next agenda to override the veto.

Council Member Wentz commented he believes that is a dead issue.

Items from the
Audience

Old Town Days. The Tourism Promoter informed Old Town Days is this weekend, and distributed a schedule of events. He informed there will be two stages and in addition to the local talent, there will be two comedians from Seattle. The parade will be Saturday at 10:00 a.m. and judges are needed for the parade. He also informed people are needed to work two hour shifts meeting the cars to collect a \$2.00 parking donation and give out schedules. He also informed a new feature will be a beer garden with a band and dance floor.

Council Member Wentz commented volunteering at Old Town Days would be a great opportunity for the Council candidates.

Council Candidates. Council Member Wentz requested the Council candidates introduce themselves.

Barry Schwindt, candidate for Mayor, introduced himself. He stated he is originally from Seaside, Oregon and worked at Whirlpool Call Center before it closed.

Mark Carney, candidate for Council position 6, informed he moved here from Everett, Washington, likes the small community and wants to serve on the City Council.

Departmental Reports

Mayor Lemon informed the following reports are in the packet and questioned if the Council has any questions of the departments: Tax Revenue Reports – May 2011 and Tourism Promoter Status Report – May 2011.

Recess to 20-Minute
Executive Session

At 8:05 p.m., Mayor Lemon recessed the Regular Council meeting to a 20-Minute Executive Session to discuss collective bargaining. Attending the Executive Session were the Mayor, Council, City Attorney, and Police Chief.

Reconvene & Adjourn
Meeting

At 8:25 p.m., Mayor Lemon reconvened and adjourned the Regular Council meeting.

These minutes dated June 13, 2011 were approved at the Regular Council Meeting of June 27, 2011.

Jim Lemon, Mayor

ATTEST:

Kathryn Thompson, CMC, City Clerk