

**CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL MEETING
WEDNESDAY, NOVEMBER 12, 2008**

CALL TO ORDER

Mayor Warden called the Regular Meeting of the Prosser City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Caleb Hagedorn led the Pledge of Allegiance.

ROLL CALL

Council Members Becken, Chambers, Everett, Rainer, Taylor, and Troemel were present. Council Member Poteet had requested an excused absence.

CITIZEN PARTICIPATION

Pete Felicijan, on behalf of the Veterans of Foreign Wars (VFW), requested permission to conduct a 21-gun salute on November 14, 2008, in honor of local veterans. City Attorney Howard Saxton said the Council could waive the requirements of the City's noise ordinance. A motion was made by Council Member Becken, seconded by Council Member Everett, to allow the VFW to hold a 21-gun salute at Art Fiker Field.

Mr. Felicijan also asked the Council to continue to support the work of Kellie Brennan in her role with the Recreation Department.

Darrick Dietrich, Basin Disposal Inc. (BDI), offered an overview of the City's garbage collection, usage, and programs. Mr. Dietrich noted the current contract allowed for an annual contract adjustment, based on 80 percent of the Consumer Price Index. The increase for 2009 would be 4 percent.

[Clerk's Note: Jim Tavary with Prosser Memorial Hospital was scheduled to make a presentation, but did not attend the meeting.]

MAYOR AND CITY COUNCIL REPORTS AND COMMENTS

Mayor Warden noted an Executive Session would be held tonight to discuss pending litigation matters.

Council Member Troemel provided a copy of the Prosser Chamber of Commerce Tourism Committee Meeting Minutes of October 14, 2008, and expressed his optimism for a favorable business climate.

REPORT FROM THE CITY ADMINISTRATOR

Kellie Brennan provided a PowerPoint presentation entitled, "Recreation Department Project Analysis for 2009."

CONSENT AGENDA

Council Member Taylor pulled Item B from the Consent Agenda.

Council Member Becken pulled Item D from the Consent Agenda.

A motion was made by Council Member Everett, seconded by Council Member Rainer to approve Consent Agenda Items A, C, and E.

- a. Approve Payment of Payroll Check Nos. 500532 through 500586 in the Amount of \$116,001.57 for the October 31, 2008 Payroll
- c. Accept Monthly Report by Prosser Economic Development Association for the Month of October 2008 and Authorize Payment for those Services in the Amount of \$2,166.66
- e. Approve Work Session Minutes of November 4, 2008

Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

A motion was made by Council Member Taylor, seconded by Council Member Chambers to approve Consent Agenda Item B, with the following change:

- b) Approve Payment of Claim Checks Nos. 61793 through 61879 in the Amount of \$287,857.62 and the IRS Federal Tax Wire in the Amount of \$39,653.19 for the Period Ending November 12, 2008

Check # 61845 to Nor'west Electric
The portion of \$9,045.22 should be posted to "Hotel/Motel Funds."

Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

Council Member Becken requested the minutes of October 28, 2008 be changed to reflect that Mayor Pro Tem Taylor was a voting member at that meeting. City Clerk Sherry Biggs was instructed to bring the minutes back before the Council at the November 18, 2008 meeting for approval.

- d) Approve Council Minutes of October 28, 2008

COUNCIL ACTION

APPROVE AGREEMENT BETWEEN CITY OF PROSSER POLICE DEPARTMENT AND TEAMSTERS LOCAL NO. 839 WAREHOUSEMEN, GARAGE EMPLOYEES, AND HELPERS UNION, REPRESENTING THE POLICE DEPARTMENT EMPLOYEES, POLICE OFFICERS

Kevin Wesley, the City's Labor Relations Consultant, was in attendance and answered questions on the agreement.

A motion was made by Council Member Taylor, seconded by Council Member Chambers to approve the agreement between City of Prosser Police Department and Teamsters Local No. 839 Warehousemen, Garage Employees, and Helpers Union, representing the Police Department Employees, Police Officers with a term from January 1, 2009 to December 31, 2011. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

APPROVE BASIN DISPOSAL INC. CONSUMER PRICE INDEX (CPI) INCREASE FOR 2009 BASED UPON THE ADJUSTMENT FACTOR IN THE AMOUNT OF 4 PERCENT

A motion was made by Council Member Taylor, seconded by Council Member Becken to accept the proposed Consumer Price Index increase for 2009 with an adjustment factor of 4 percent for garbage collection services and direct staff to incorporate the increase into the current rate structure, effective January 19, 2009. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

APPROVE CONTRACT FOR TOURIST PROMOTION SERVICES WITH THE HISTORIC DOWNTOWN PROSSER ASSOCIATION

A motion was made by Council Member Becken, seconded by Council Member Everett to approve the \$5,000 contract for Tourist Promotion Services with the Historic Downtown Prosser Association. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

ADOPT ORDINANCE NO. 08-2631 SETTING AD VALOREM TAXES FOR THE CITY OF PROSSER FOR FISCAL YEAR 2009 AND AUTHORIZING AN INCREASE IN THE AMOUNT OF ONE (1) PERCENT

A motion was made by Council Member Everett, seconded by Council Member Taylor to adopt Ordinance No. 08-2631 setting ad valorem taxes for Fiscal Year 2009 and authorizing an increase in the amount of one percent. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

ADOPT ORDINANCE NO. 08-2632 SETTING THE ANNUAL PROPERTY TAX LEVY FOR THE CITY OF PROSSER, WASHINGTON FOR FISCAL YEAR 2009 AND PROVIDING FOR AN EFFECTIVE DATE

A motion was made by Council Member Everett, seconded by Council Member Taylor to adopt Ordinance No. 08-2632 setting the annual property tax levy for Fiscal Year 2009 and providing for an effective date. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

ADOPT ORDINANCE NO. 08-2633 ENACTING PROSSER MUNICIPAL CODE CHAPTER 9.10 TO BE KNOWN AS "EMERGENCY POWERS" WHICH ESTABLISHES PROCEDURES TO DECLARE CIVIL EMERGENCIES

A motion was made by Council Member Taylor, seconded by Council Member Rainer to adopt Ordinance No. 08-2633 enacting PMC Chapter 9.10 "Emergency Powers". Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

ADOPT ORDINANCE NO. 08-2634 AMENDING SECTION 3 OF ORDINANCE NUMBER 2489 TO AUTHORIZE THE MAYOR TO DECLARE EMERGENCIES WAIVING THE COMPETITIVE BIDDING POLICES AND AWARDDING CONTRACTS IN ACCORDANCE WITH CHAPTER 39.04 RCW

A motion was made by Council Member Rainer, seconded by Council Member Everett to adopt Ordinance No. 08-2634 authorizing the Mayor to declare emergencies waiving the competitive bidding policies and awarding contracts in accordance with Chapter 39.04 RCW. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

APPROVE SERVICE AND EQUIPMENT AGREEMENT WITH EMBARQ TO PROVIDE FOR ISDN-PRI COMMUNICATION SERVICES

Assistant Finance Director/Deputy Clerk Toni Yost offered information on the telephone service and equipment agreement. Council Member Everett moved to approve the agreement with Embarq to provide ISDN-PRI communication services. Council Member Becken seconded the motion. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

APPROVE SERVICE AGREEMENT WITH AVAYA TO PROVIDE FOR TELEPHONE SYSTEM MAINTENANCE AND SUPPORT

Ms. Yost discussed the service agreement with Avaya. Council Member Taylor moved to approve the agreement with Avaya for phone system maintenance and support. The motion was seconded by Council Member Chambers. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

APPROVE COLLECTION SERVICE AGREEMENT WITH EVERGREEN FINANCIAL

Ms. Yost provided an overview of the RFP and selection process for collection services. Council Member Chambers moved to approve the collection service agreement with Evergreen Financial. The motion was seconded by Council Member Becken. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

APPROVE THE SEPTEMBER 2008 FINANCIAL STATEMENT

A motion was made by Council Member Taylor, seconded by Council Member Chambers to approve the September 2008 Financial Statement. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

APPROVE THE OCTOBER 2008 FINANCIAL STATEMENT

A motion was made by Council Member Taylor, seconded by Council Member Chambers to approve the October 2008 Financial Statement. Motion passed 6 YES, 0 NO, 1 ABSENT (Poteet).

[Clerk's Note: The Council took a five minute break.]

BUDGET DISCUSSIONS

Mayor Warden called for public comment on the Fiscal Year 2009 Budget, with none being offered.

Ted Pooler with Huibregtse, Louman & Associates (HLA), provided a Water/Sewer/Irrigation Analysis for review. Mr. Pooler said with a 4.5 percent water rate increase in 2009, a 2.5 percent increase would be needed in both 2010 and 2011. The Sewer Fund was at a healthy level, but a 14 percent utility tax rate was needed in 2009, not the 12 percent tax rate that had been discussed at earlier sessions.

Mr. Pooler explained there were two elements to irrigation billing. First was the base rate which applied to properties in city limits, within the Sunnyside Valley Irrigation District (SVID). The second rate was a service rate. The service rate dealt with access to irrigation, i.e. a pipeline in an adjoining right of way, whether irrigation was used or not.

Mr. Pooler noted the difference in how SVID calculated land/acreage within the City of Prosser and how the City of Prosser actually billed each parcel. SVID calculated lot size to the centerline. The City does not include right of way as part of the lot size.

A garbage utility tax rate of 9.5 percent would remit 7 percent to the General Fund with 2.5 percent for state taxes. The 9.5 percent rate would raise approximately \$68,000. Council Member Chambers felt there were too many tax increases spread throughout the 2009 Proposed Budget.

Finance Director Cathleen Koch discussed the 2008 Budget Amendment and explained several items. Ms. Koch said approximately \$7,000 needed to be allocated to complete the work with Cal Jordan on the swimming pool project. Ms. Koch discussed replacing the \$400,000 Street Fund transfer with funds from the Arterial Street Fund. Council Member Taylor asked if that would be treated as a loan to be repaid with interest. City Attorney Howard Saxton said transfers within like funds were allowed, but from other major funds, loans would need to be paid back in three years with interest.

Council Member Taylor said the money in the Street Fund could not be replaced and should be left intact as a match for future major road projects. Council Member Everett asked that all amendments be in front of the Council at the November 18, 2009 meeting.

EXECUTIVE SESSION

At 10:37 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct an Executive Session, pursuant to RCW 42.30.110 (i), to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. The Executive Session

was expected to last for 10 minutes and to include the Mayor and Council, City Attorney, City Administrator, City Clerk, and the Finance Director.

At 10:45 p.m., Mayor Warden reconvened the Regular Meeting of the City Council and stated that no action or decision had occurred in the Executive Session.

ADJOURNMENT

There being no further business before the City Council at this time, the Regular Meeting of the Prosser City Council was adjourned at 10:46 p.m.

Mayor Paul Warden

Attest:

City Clerk Sherry Biggs