

**CITY OF PROSSER, WASHINGTON  
601 7<sup>TH</sup> STREET  
CITY COUNCIL CHAMBERS  
CITY COUNCIL REGULAR MEETING  
TUESDAY, JUNE 12, 2012**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

Council Members Rainer, Elder, Everett, Taylor, Troemel, Hamilton, and Becken were present.

**CITIZEN PARTICIPATION**

Louis Garcia, 1226 Highland Drive, requested Council consider a change to the Personnel Policy Manual regarding nepotism and seasonal employees. Mr. Garcia had two daughters who wanted to be a lifeguard at the Prosser Aquatic Center, however due to the policy only one could be employed. Mr. Garcia did not feel the policy on employment of relatives should apply to seasonal employees and would like to see a change in the policy.

Wayne R. Pearson, 156608 W Buena Vista Rd., requested Council approve the wavier to allow for the Prosser Scottish Fest to launch an anvil during this year's event.

**MAYOR AND COUNCIL REPORTS AND COMMENTS**

Council Member Becken stated participation was low for the Wine Tour Bus. If participation did not increase the service may be discontinued.

Council Member Elder stated Prosser Fly-In organizers were hoping to utilize the bus for their event.

**REPORT FROM THE CITY ADMINISTRATOR**

***Purchase of a Water Tender and HVAC System at the Fire Department***

Interim City Administrator Cathleen Koch stated the different options available to fund the purchase of the Water Tender truck for the Prosser Fire Department.

***Police Chief Recruitment***

Interim City Administrator Koch explained the Washington Association of Sheriffs and Police Chiefs (WASPC) have expressed an interest in conducting the Police Chief recruitment for the City of Prosser.

Council Member Hamilton stated WASPC is a very credible organization and an outstanding agency.

Staff advised the background checks will need to be conducted separately requiring a different contract that will be brought back at a future meeting for consideration.

**PUBLIC HEARING**

**PRE-ZONING PROPERTY LOCATED AT 480 NORTH RIVER ROAD TO RESIDENTIAL HIGH DENSITY (HD) CONSISTENT WITH THE PROSSER COMPREHENSIVE PLAN**

At 7:17 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct a Public Hearing regarding the pre-zoning of property located at 480 North River Road to Residential High Density (HD) consistent with the Prosser Comprehensive Plan. City Planner Steve Zetz stated pre-zoning of property was necessary due to the property's location outside of city limits and the request for pre-zoning was consistent with the Prosser Comprehensive Plan. Mayor Warden called for public comment. Ed Youngblood, 485 North River Road, stated he would like the opportunity to comment if an issue were to occur. At 7:21 p.m., Mayor Warden closed the Public Hearing and the Regular Meeting was reconvened.

**COUNCIL ACTION****ORDINANCE NO. 12-2784 APPROVING A REQUEST FOR A PRE-ZONE AT 480 NORTH RIVER ROAD TO RESIDENTIAL HIGH DENSITY (HD) CONSISTENT WITH THE WITH THE PROSSER COMPREHENSIVE PLAN**

A motion was made by Council Member Troemel, seconded by Council Member Everett to adopt Ordinance No. 12-2784 approving a request for a pre-zone at 480 North River Road to Residential High Density (HD) consistent with the Comprehensive Plan. Council Member Hamilton questioned if this ordinance included the annexation of the property. City Attorney Howard Saxton stated the ordinance was only for the zoning of the area. Council Member Everett inquired when Council would discuss the impacts to the area. City Planner Zetz stated any impacts would be discussed when a project was considered and currently none of the items on the agenda related to this property was for a specific project. Motion passed 6 YES, 1 NO (Rainer), 0 ABSENT.

**PUBLIC HEARING****PETITION FOR PROPOSED ANNEXATION OF 480 NORTH RIVER ROAD, 505 NORTH RIVER ROAD, AND A PORTION OF NORTH RIVER ROAD RIGHT-OF-WAY**

At 7:25 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct a Public Hearing regarding the petition for proposed annexation of 480 North River Road, 505 North River Road, and a portion of North River Road Right-of-Way. City Planner Zetz informed Council there were no legislative conflicts with the annexation proposal and the Public Hearing was scheduled to allow the application to ask for a Resolution allowing them to seek approval now from Benton County's Boundary Review Board. Mayor Warden called for public comment, with none being offered. At 7:29 p.m., Mayor Warden closed the Public Hearing and reconvened the Regular Meeting of the Prosser City Council.

**DISCUSSION ITEM****RESOLUTION OF INTENT TO ANNEX PROPERTIES LOCATED AT 480 NORTH RIVER ROAD, 505 NORTH RIVER ROAD AND A PORTION OF NORTH RIVER ROAD RIGHT-OF-WAY**

A motion was made by Council Member Troemel, seconded by Council Member Everett to direct staff to bring back a resolution of intent to annex properties located at 480 North River Road, 505 North River Road and a portion of the North River Road right-of-way. Council Member Hamilton asked if this resolution was based on the meeting held on February 23, 2010. City Planner Zetz stated the first notice and intent to annex was brought to Council at the February 23, 2010 meeting. It was then brought back to Council in January of 2012. Council Member Hamilton asked if this would approve the annexation. City Attorney Saxton clarified this did not approve the annexation but approved the request to bring a Resolution before Council for consideration. The adoption of the Resolution that would then be brought before Council would approve the annexation. Motion passed 6 YES, 1 NO (Hamilton), 0 ABSENT.

**CONSENT AGENDA**

A motion was made by Council Member Taylor, seconded by Council Member Rainer to approve Consent Agenda Items "A-K". Motion passed 7 YES, 0 NO, 0 ABSENT.

- a. Accept Invoice for Operation of the Visitor Information Center and Reimbursable Tourism and Promotional Expenses for the Month of June and Authorize Payment for Those Services in the Amount of \$5,500.00
- b. Approve Payment of Claim Check Nos. 68891 through 68906 and 68908 through 69003 in the Amount of \$338,248.88, USDA Electronic Payment in the Amount of \$39,588.00, Bank of New York Electronic Payment in the Amount of \$40,181.25, Bank of America Electronic Payment in the Amount of \$11,883.28, Washington Trust Bank Electronic Payment in the Amount of \$6,554.56 and IRS Federal Tax Wires in the Amount of \$42,612.39, for the Period Ending June 12, 2012

- c. Approve Payment of Payroll Check Nos. 502236 through 502251 in the Amount of \$33,499.06 and Direct Deposits in the Amount of \$98,602.34 for the Period Ending May 31, 2012
- d. Approve Payment of Claim Check No. 68907 in the Amount of \$3,001.25, for the Period Ending June 12, 2012
- e. Approve the Agreement between the City of Prosser and Historic Downtown Prosser Association for 2012 in the Amount of \$15,000
- f. Approve the 2011 Annual Financial Statement
- g. Approve Progress Estimate No. 1 in the Amount of \$280,340.12, for Work Performed by the Contractor, Granite Construction Company, for the Sheridan Avenue Improvements/6<sup>th</sup> Street Resurfacing Projects, and Authorize the Mayor to Sign the Documents
- h. Approve Special Event Permit for Johnny's Pizza Stone to be Held June 23, 2012 from 5:00 p.m. – 12:00 a.m. on Chardonnay Blvd
- i. Approve Special Event Permit for Prosser Scottish Festival to be Held June 16, 2012 at the Port of Benton East Prosser Industrial Wine and Food Park
- j. Approve Request for Fireworks Ban Special Use Waiver for the Prosser Scottish Festival Anvil Launch to be Held June 16, 2012 at the Port of Benton East Prosser Industrial Wine and Food Park
- k. Approve the April 3, 2012 Meeting Minutes

#### **COUNCIL ACTION**

#### **ORDINANCE NO. 12-2785 AMENDING PROSSER MUNICIPAL CODE CHAPTER 15.30 TO ADD A CRIME FREE RENTAL HOUSING PROGRAM TO THE CITY'S EXISTING RENTAL LICENSE ORDINANCE**

A motion was made by Council Member Hamilton, seconded by Council Member Elder to direct staff to prepare an ordinance to repeal Ordinance No. 10-2692. Council Member Taylor inquired of the intent of the motion. Council Member Hamilton did not agree with the rental fee and would like to see it gone. He also questioned the legality of the issue. Mr. Clifton Steelman expressed his concern how adoption of the ordinance would violate the law. Mrs. Glenda Miller expressed her shared concern if Council were to approve the ordinance. Council Member Troemel inquired of staff to speak to the legality of ordinance. City Attorney Saxton stated the Supreme Court upheld a similar ordinance for the City of Pasco. Mr. Jerry Lemmon, Sr. discussed the history of the City of Pasco. City Attorney Saxton addressed Council regarding the ordinance which currently required rental inspections. It was stated there was a provisional license that stands for two years until the landlord can implement the program. After the two years, landlords would need to do inspections by either utilizing the City's service or by hiring a private inspector. By taking action on the proposed ordinance, this would incorporate the Crime Free Housing Program. Council Member Taylor stated the possibility this may make rental properties more attractive to potential tenants as they are certified safe and comply with code. Council Member Troemel called for the question. The majority of Council, with the exception of Council Member Hamilton, was agreeable to calling for the question. Motion passed 6 YES, 1 NO (Hamilton), 0 ABSENT. The Council proceeded to vote on the motion at hand to prepare an ordinance to repeal Ordinance No. 10-2692. Motion failed 2 YES, (Hamilton, Elder), 5 NO, 0 ABSENT.

A motion was made by Council Member Everett, seconded by Council Member Rainer to adopt Ordinance 12-2785 amending Prosser Municipal Code Chapter 15.30 to add a Crime Free Rental Housing Program to the City's existing Rental License Ordinance. Motion passed 6 YES, 1 NO (Hamilton), 0 ABSENT.

**RESOLUTION NO. 12-1395 ESTABLISHING FEES FOR THE RENTAL LICENSES AND INSPECTIONS**

City staff explained the Rental License fee was set at a considerably low cost. The fees collected would not recover costs to implement the program. The proposed fees were set at \$30.00 for the license and \$5.00 for each additional rental property. The fee for the inspection was set at \$35.00. A motion was made by Council Member Troemel, seconded by Council Member Everett to adopt Resolution No. 12-1395 establishing fees for the rental licenses and inspections. Motion passed 5 YES, 2 NO (Hamilton, Becken), 0 ABSENT.

**DISCUSSION ITEMS**

***FIRE ANNEXATION AND REGIONAL FIRE AUTHORITY DISCUSSION***

Interim City Administrator Koch explained the purpose for the discussion is to obtain direction from Council on what direction the City would like to move forward with on the fire annexation and Regional Fire Authority (RFA) options in order to provide direction to the Prosser Fire District Board.

Council Member Rainer stated the Fire Board would like Council's input on what direction the City would like to go in regards to fire protection. He also discussed the importance of considering tax implications.

Council Member Elder expressed that he felt annexation is the best option for the City. Council Members Becken, Hamilton, and Troemel shared the same opinion while Council Members Rainer, and Everett expressed they felt RFA was the best option; Council Member Taylor made no indication either way.

Council Member Everett suggested, and the remaining Council Members concurred it was their desire to conduct a joint City Council and Benton County Fire District No. 3 meeting to further discuss the issue. Fire District Commissioner Randy Fox stated the Board had previously discussed the option of conducting a joint meeting with the City Council and their Board decided that a joint meeting of the two bodies was not necessary at this time. The Fire District submitted a letter to the city stating their position and would like a response from the city on the direction it will take as it relates to fire annexation or Regional Fire Authority (RFA). There was discussion on the benefits of a joint meeting. Commissioner Fox stated he would go back to the Fire District Board and inquire if the Board would be interested in participating in a joint meeting and expressed his appreciation for the commitment of the City Council Members.

**EXECUTIVE SESSION**

At 8:43 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct an executive session pursuant to RCW 42.30.110(1)(f) to receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge. The session was to include the Mayor and Council Members, Interim City Administrator, City Attorney, Public Works Director, and Finance Manager. The session was expected to last for a period of 10 minutes.

At 8:53 p.m., Mayor Warden reconvened the Regular Meeting of the Prosser City Council and stated no action had occurred in the Executive Session.

At 8:53 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct an executive session pursuant to RCW 42.30.110(1)(g) to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public. The session was to include the Mayor and Council Members, Interim City Administrator, City Attorney, and Finance Manager. The session was expected to last for a time period of 5 minutes.

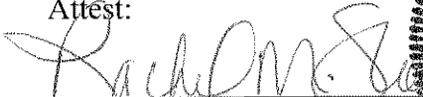
At 8:58 p.m., Finance Manger Yost (Acting City Clerk) stated an additional 3 minutes was needed.

At 9:02 p.m., Mayor Warden reconvened the Regular Meeting of the Prosser City Council and stated no action 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 9:02 p.m.

Attest:

  
City Clerk Rachel Shaw



  
Mayor Paul Warden