

CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 14, 2014

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 Aubrey, Taylor, Hamilton, Everett, Ward, Becken, and Elder were present.

Others in attendance were City Clerk Shaw, Finance Director Mauras, Finance Manager Yost, Public Works Director DaCorsi, Police Chief Giles, City Planner Zetz, and City Attorney Saxton.

CITIZEN PARTICIPATION

[Clerk's Note: Citizen Participation was considered during the Public Hearing for Cannabis Facility Regulations.]

MAYOR AND COUNCIL REPORTS AND COMMENTS

Council Member Aubrey briefed Council on a recent Yakima Basin Fish and Wildlife Recovery Board meeting he attended.

Council Member Elder stated the Food Bank and clothing store located at Jubilee Ministry is expanding and stated that it's a great resource to the community.

CLOSED RECORD DECISION HEARING

1401 KINNEY WAY REZONE

Mayor Warden recused himself from Agenda Items 6 and 7 due to a conflict of interest. At 7:03 p.m., Mayor Pro Tem Taylor recessed the Regular meeting of the Prosser City Council to conduct a Closed Record Decision Hearing regarding the 1401 Kinney Way rezone and asked if any Members of the Council had a conflict with the rezone as the hearing was quasi-judicial. Council Member Hamilton disclosed that weeks prior to the Hearing, he being unfamiliar with the property owner of the address had contacted Mayor Warden regarding the proposed rezone. Mayor Warden advised of his conflict of interest and no further discussion took place. Mayor Pro Tem Taylor asked if Council or any member of the public took exception to the conversation Council Member Hamilton and Mayor Warden had. With no conflict being offered or further discussion, at 7:05 p.m., the Closed Record Decision Hearing was closed and the Regular meeting of the Prosser City Council was reconvened.

CONSIDERATION OF ORDINANCE NO. 14-2908 REZONING PROPERTY LOCATED AT 1401 KINNEY WAY FROM STEEP SLOPE RESIDENTIAL (SSR) AND RESIDENTIAL LOW DENSITY (RL) TO RESIDENTIAL MEDIUM DENSITY (RM)

City Planner Zetz provided a brief description of the current zoning of the property located at 1401 Kinney Way, and discussed the proposed rezone. A motion was made by Council Member Everett, seconded by Council Member Ward to adopt Ordinance No. 14-2908 rezoning property located at 1401 Kinney Way from Steep Slope Residential (SSR) and Residential Low Density (RL) to Residential Medium Density (RM). Motion passed 7 YES, 0 NO, 0 ABSENT.

[Clerk's Note: There was a brief pause while Mayor Warden rejoined the Council.]

PUBLIC HEARING

RECREATIONAL AND MEDICAL CANNABIS FACILITY REGULATIONS

At 7:10 p.m., Mayor Warden recessed the Regular meeting of the Prosser City Council to conduct a Public Hearing regarding recreational and medical cannabis facility regulations. Mayor Warden called for public comment.

Gayle Wheeler, 122741 OIE Hwy, spoke in opposition of the proposed ordinance and further stated she did not understand why the City choose to not stand against the threat of litigation and ban the first marijuana store. If the fear of litigation was the motivating decision factor than perhaps Council should have considered different resources.

Peggy Brown, 1323 Grant Avenue, requested the Council consider keeping the marijuana moratorium in place. Mrs. Brown stated that she and her husband Mr. Dale Brown recently attended a meeting hosted by Prosser Community Involvement and Action (CIA) where speakers from Washington State Liquor Control Board and Washington Association for Substance Abuse and Violence Prevention spoke about new alcohol and marijuana laws and the impacts those laws have on communities. The Brown's recorded the speakers and created a DVD; copies will be made available to Council at their request. Additionally Mrs. Brown spoke in opposition of the proposed ordinance stating her discontent with Council for allowing any more marijuana stores to be opened in city limits.

Tom Denlea, 145 W SR 22, thanked Council for their leadership and dedication to their position as Council Members. Mr. Denlea asked that Council continue to look out for the well being of the community and take a stand to ban any further marijuana stores from opening in Prosser.

Mayor Warden read into the record an email the City received from Prosser School District Superintendent Ray Tolcacher regarding a power point presentation provided to the District by the Washington School Directors Association. The information presented findings of a study completed in Colorado's public schools in 2014 on the impact to students with the legalization of marijuana in Colorado. The presentation had been forwarded to Council via email earlier in the week.

At 7:28 p.m., with no further comments being offered, Mayor Warden closed the Public Hearing and the Regular meeting of the Prosser City Council was reconvened.

CONSIDERATION OF ORDINANCE NO. 14-2909 ESTABLISHING ZONING REGULATIONS FOR RECREATIONAL MARIJUANA AND FOR MEDICAL CANNABIS USES

City Attorney Saxton advised Council had been provided an updated version of the proposed ordinance which amended section 8 related to environmental impacts. Additionally the last sentence to the title and summary of the proposed ordinance has been updated.

Council Member Hamilton requested the Council have more time to review the ordinance and make a decision. He proposed Council extend the moratorium an additional six months and not take action on the proposed ordinance until February 2015.

City Attorney Saxton stated that postponing action on the ordinance created an issue with the timing of the moratorium. The medical moratorium is set to expire November of 2014.

Council Member Elder agreed with Council Member Hamilton and requested more time to evaluate the impacts of the ordinance.

There was discussion regarding the process of a conditional use permit and whether or not that could be applied as it related to zoning regulations. Discussions ensued about medical marijuana dispensaries and collective gardens.

Council Member Ward expressed his interest in extending the moratorium and updating the work plan.

Council Member Everett asked for a litigation update regarding other Washington cities.

City Attorney Saxton stated to his knowledge the cities of Fife, Kent and Kennewick are currently in the appeal process.

Council Member Hamilton again requested for more time to review the information and then make an informed decision.

Council Member Becken stated that by extending the vote, it would just delay the inevitable and that Council needs to make a decision.

City Attorney Saxton advised that Benton County does not have a moratorium in place which could potentially result in a second marijuana store opening right outside of City limits. While there is no current threat of litigation, it would be in the City's best interest to adopt regulations. The Planning Commission held several Public Hearings and listened to numerous hours of public testimony on both sides of the matter and has made a recommendation based on those findings.

Council Member Elder stated he was not interested in being involved in a lawsuit and will not support a vote that would potentially promote litigation.

Council Member Everett stated he was not in favor of delaying this item any further. Council needs to make a decision and proposed strictly defined store hours of operations be incorporated into the language of the proposed ordinance.

City Attorney Saxton stated that although there was no evidence from the testimony received at the Planning Commission Public Hearings to base restricted hours of operations, the proposed ordinance could be amended if Council concurred.

A motion was made by Council Member Hamilton to extend the moratorium for an additional six months and delay action until February 2015.

Motion died due to lack of second.

A motion was made by Council Member Everett to direct staff to amend the proposed ordinance incorporating store hours of operations to be set at 9:00 a.m. to 9:00 p.m.

Motion died due to lack of second.

A motion was made by Council Member Aubrey, seconded by Council Member Everett to adopt Ordinance No. 14-2909 establishing zoning regulations for recreation marijuana and for medical cannabis uses as recommended by the Planning Commission and as amended in section 8 as presented. A roll call vote was administered by City Clerk Shaw. Motion passed 4 YES (Aubrey, Everett, Becken, Elder), 3 NO (Taylor, Hamilton, Ward), 0 ABSENT.

CONSENT AGENDA

A motion was made by Council Member Everett, seconded by Council Member Becken to approve Consent Agenda Items "A – J." Motion passed 7 YES, 0 NO, 0 ABSENT.

- a. Approve Payment of Payroll Checks Nos. 600211 through 600244 in the Amount of \$23,986.04 and Direct Deposits in the Amount of \$103,208.02, for the Period Ending September 30, 2014
- b. Approve Payment of Claim Checks Nos. 11297 through 11307 and 11309 through 11406, in the Amount of \$384,162.51 and Electronic Payments in the Amount of \$75,963.83, for the Period Ending October 14, 2014
- c. Accept Monthly Report by Prosser Economic Development Association for the Month of September 2014 and Authorize Payment for Those Services in the Amount of \$2,166.66 and Authorize Payment for those Services in the Amount of \$1,416.67 for Grant Writer Services
- d. Approve Amendment No. "A" to the Public Works Trust Fund Loan Agreement Modifying the Annual Repayment Date from July 1st to June 1st and Authorize the Mayor to Sign the Agreement

- e. Adopt Resolution 14-1466 Approving Amendment No. 2 to Shoreline Master Program Grant G1200039 between the City of Prosser and the Department of Ecology and Authorize the Mayor to Sign the Agreement
- f. Adopt Resolution 14-1467 Accepting the Water System Telemetry Upgrades Project as Complete and Approve Retainage Release of \$6,960.08 upon Satisfactorily Fulfilling Specific Conditions
- g. Acceptance of Historic Downtown Prosser Association (HDPA) Financial Statements and Accountant's Review of 2012 – 2013 and Authorize Payment in the Amount of \$15,000
- h. Approve August 5, 2014 Meeting Minutes
- i. Approve August 12, 2014 Meeting Minutes
- j. Approve August 26, 2014 Meeting Minutes

COUNCIL ACTION

APPROVE PAYMENT OF CLAIM CHECK NO. 11308 AND 11407 IN THE AMOUNT OF \$62,476.70, FOR THE PERIOD ENDING OCTOBER 14, 2014

Council Member Hamilton recused himself due to a conflict of interest. A motion was made by Council Member Everett, seconded by Council Member Becken to approve payment of claim check no. 11308 and 11407 in the amount of \$62,476.70, for the period ending October 14, 2014. Motion passed 6 YES, 0 NO, 0 ABSENT, 1 ABSENTION (Hamilton).

APPROVE THE PERPETUAL WATERLINE AND FIRE HYDRANT EASEMENT DEED BETWEEN THE CITY OF PROSSER AND BETHEL CHURCH OF RICHLAND, WASHINGTON, AND AUTHORIZE THE MAYOR AND CITY CLERK TO SIGN THE DOCUMENT

A motion was made by Council Member Taylor, seconded by Council Member Aubrey to approve the Perpetual Waterline and Fire Hydrant Easement Deed between the City of Prosser and Bethel Church of Richland, Washington, and authorize the Mayor and City Clerk to sign the document. Motion passed 7 YES, 0 NO, 0 ABSENT.

CONSIDERATION OF ORDINANCE NO. 14-2910 AMENDING THE CITY'S MUNICIPAL COURT ORDINANCE CODIFIED IN CHAPTER 2.68 PMC

A motion was made by Council Member Everett, seconded by Council Member Elder to adopt Ordinance No. 14-2910 amending the City's Municipal Court Ordinance codified in Chapter 2.68 PMC. Motion passed 7 YES, 0 NO, 0 ABSENT.

[Clerk's Note: Police Chief Giles left at 8:27 p.m.]

COUNCIL DISCUSSION

2015 General Fund Budget

Finance Director Mauras provided a brief overview of the proposed 2015 General Fund and summarized Council's discussion points from the October 7, 2014 Work Session. There was discussion regarding the Legislative Fund, non-union staff salary study and a transfer to the Street Fund.

Council Member Hamilton stated that he agreed with the proposal for a salary increase of ten percent for each of the four non-union staff members.

Council Member Everett said ten percent is too high and needs to be cut in half to five percent or he would support adopting a merit system and then leaving it up to administration to determine what that level of increase should be.

Mayor Warden stated that the proposal for ten percent does not even meet the State average. The majority of the proposed increases are upwards of sixteen percent below the State average based on the findings from the salary study.

Council Member Hamilton reiterated he supported ten percent increase across the board for all four positions.

Mayor Warden stated the proposed salary increase would be covered by the ad valorem tax.

Council Members Elder and Aubrey echoed Council Member Hamilton's comments to support the ten percent increase across the board for all four positions.

Council Member Everett said he'd prefer to place the funds in a wage increase fund and allow the Mayor to make a wage allocation decision.

Council agreed to leave the proposal in the budget and continue discussions at a future City Council meeting.

Finance Director Mauras reviewed the General Fund Reserve and discussed available funds. Council directed staff to transfer \$10,000 from the General Fund to the Street Fund due to the dire condition of city streets.

Mayor Warden advised the Water and Sewer Fund summary was on the agenda for discussion tonight, however proposed the rate portion of the discussion should be continued to the October 28, 2014 City Council meeting. Council concurred.

Finance Director Mauras provided a summary of the 2015 Water Fund.

Public Works Director DaCorsi provided a brief explanation of the line items proposed in the Water Fund budget.

Council Member Everett stated there is a need to conduct an irrigation study and would like Council to discuss this item at a future meeting.

Public Works Director DaCorsi explained that he had requested the City's Engineer's Huibregtse Louman and Associates, Inc., to slow down on capital projects and allow for the City to catch up on debt service and get proper staffing in place before moving forward with any further projects.

Mayor Warden said water, sewer, garbage and irrigation rate analysis studies will be presented at the October 28, 2014 City Council meeting for further discussion.

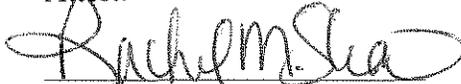
ADJOURNMENT

There being no further business before the City Council at this time, the Regular Meeting of the Prosser City Council was adjourned at 9:05 p.m.



Mayor Paul Warden

Attest:


City Clerk Rachel Shaw

