

**CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL REGULAR MEETING
TUESDAY, NOVEMBER 22, 2011**

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 by Kadence Shaw and Samantha Benefit, Boys and Girls Club Members of the Month for October.

ROLL CALL

Council Members Rainer, Everett, Troemel, Becken, Poteet, Chambers, and Taylor were present.

CITIZEN PARTICIPATION (None)

MAYOR AND CITY COUNCIL REPORTS AND COMMENTS

Council Member Troemel requested staff look into posting a no parking area on Bennett Avenue. Public Works Director L.J. DaCorsi advised he would look into the issue.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Charlie Bush sought Council direction on the submission of a letter to legislative delegation. Council directed staff to submit the letter.

Public Works Director DaCorsi advised the application for Sheridan Avenue and Sherman Avenue was approved. Mr. DaCorsi extended thanks to the City's Engineering Firm Huibregtse, Louman, and Associates for all their hard work on getting the project approved.

Mayor Warden read a proclamation acknowledging and celebrating the life and accomplishments of Victor Lee Murphey on his 90th birthday.

PUBLIC HEARING

ZONING CODE UPDATE

At 7:13 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct a Public Hearing regarding the zoning code update. A motion was made by Council Member Chambers, seconded by Council Member Taylor to continue the public hearing to the next regular City Council meeting on December 13, 2011. Motion passed 7 YES, 0 NO, 0 ABSENT. The Public Hearing was closed at 7:14 p.m. and the Regular City Council Meeting was reconvened.

CLOSED RECORD DECISION HEARING

BIERLINK MEADOWS SUBDIVISION

At 7:14 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct a Closed Record Decision Hearing regarding the Bierlink Meadows subdivision. City Planner Steve Zetz inquired if the Council had any conflicts of interest. Council Member Poteet recused himself due to a meeting he and the property owner Mr. Allen Bierlink previously had. The Closed Record Decision Hearing was closed at 7:17 p.m. and the Regular City Council Meeting was reconvened.

RESOLUTION NO. 11-1366 APPROVING OF THE PROPOSED PRELIMINARY PLAT OF THE BIERLINK MEADOWS SUBDIVISION WITH THE CONDITIONS RECOMMENDED BY THE PROSSER PLANNING COMMISSION

A motion was made by Council Member Becken, seconded by Council Member Chambers to approve Resolution No. 11-1366 following the Planning Commission recommendation to approve the preliminary plat of the Bierlink Meadow Subdivision in accordance with their recommendation. Motion passed 6 YES, 0 NO, 0 ABSENT, 1 ABSENTION (Poteet).

PUBLIC HEARING**UTILITY BILLING CODE UPDATE**

At 7:21 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct a Public Hearing regarding the utility billing code update. Mayor Warden called for public comment. With no comments received, the Public Hearing was closed at 7:22 p.m. and the Regular City Council Meeting was reconvened.

COUNCIL ACTION**ORDINANCE NO. 11-2752 UPDATING THE APPLICABLE SECTIONS OF THE PROSSER UTILITY CODE**

A motion was made by Council Member Rainer, seconded by Council Member Chambers to approve Ordinance 11-2752 updating the applicable sections of the Prosser Utility Code. Motion passed 7 YES, 0 NO, 0 ABSENT.

ORDINANCE ESTABLISHING UTILITY BILLING FEE RATES FOR 2012

A motion was made by Council Member Taylor, seconded by Council Member Rainer to approve an Ordinance establishing Utility Billing fee rates for 2012. There was discussion regarding the proposed fee rates for a deferral agreement and 10% late penalty. Motion failed 3 YES (Rainer, Poteet, Chambers), 4 NO (Everett, Troemel, Becken, Taylor), 0 ABSENT. Council directed staff to bring back utility billing fee rate alternatives at a future Council meeting for consideration.

ORDINANCE NO. 11-2753 INCREASING IRRIGATION RATES BY 5% EFFECTIVE JANUARY 1, 2012

A motion was made by Council Member Everett, seconded by Council Member Rainer to approve ORDINANCE 11-2753 increasing irrigation rates by 5% effective January 1, 2012. Motion passed 7 YES, 1 NO (Chambers), 0 ABSENT.

CONSENT AGENDA

Council Member Becken removed Item "A" from the Consent Agenda. A motion was made by Council Member Becken, seconded by Council Member Taylor to approve Consent Agenda Items "B – M". Motion passed 7 YES, 0 NO, 0 ABSENT.

- b. Approve Payment of Claim Check Nos. 65640 through 65640 in the Amount of \$5,833.33, for the Period Ending October 1, 2010
- c. Approve Payment of Washington Trust Bank Check Nos. 1011 through 1013 in the Amount of \$310,909.26 for the Period Ending November 1, 2011
- d. Approve Payment of Payroll Check Nos. 502107 through 502124 in the Amount of \$23,307.95 and Direct Deposits in the Amount of \$29,382.53 for the Period Ending November 15, 2011
- e. Approve Payment of Payroll Check Nos. 501524 through 501526 in the Amount of \$2,253.45 and Direct Deposits in the Amount of \$11,240.77 for the Period Ending May 14, 2010
- f. Approve Payment of Payroll Check Nos. 501852 through 501854 in the Amount of \$2,219.11 and Direct Deposits in the Amount of \$11,904.95 for the Period Ending May 13, 2011
- g. Accept Invoice Monthly Report by Prosser Economic Development Association for the month of October 2011 and Authorize Payment for Those Services in the Amount of \$2,166.66
- h. Approval of October 2011 Financial Statement

- i. Approve Progress Estimate No. 3 in the amount of \$154,162.10, for work performed by the contractor, Apollo, Inc. for the North Prosser Zone 2 Booster Pump Station Project and Authorize the Mayor to sign the Documents
- j. Approve the USDA Outlay Report and Draw Request for Reimbursement – No. 7 in an Amount of \$217,494.62, for costs incurred on the Northwest Prosser Reservoir and Booster Pump Station Project and Authorize the Mayor to sign the Documents
- k. Approval of Agreement with Washington State Patrol for Connection of Live Scan to Automate Fingerprint Identification System (AFIS)
- l. Adopt Resolution No. 11-1367 Surplusing City of Prosser Property
- m. Approve Meeting Minutes of October 25, 2011

Council Member Becken explained Consent Agenda Item “A” was pulled due to check nos. 67909 and 67910 being issued in error. A motion was made by Council Member Becken, seconded by Council Member Taylor to approve Consent Agenda Item “A” with the exception of check nos. 67909 and 67910. Motion passed 7 YES, 0 NO, 0 ABSENT.

- a. Approve Payment of Claim Check Nos. 67880 through 67952 in the Amount of \$363,921.91, DOR electronic payment in the amount electronic payment in the amount of \$13,965.71 and IRS Federal Tax Wires in the Amount of \$14,051.87, for the Period Ending November 22, 2011

COUNCIL ACTION

DISCUSSION AND APPROVAL OF AN AGREEMENT FOR USE OF JAIL FACILITIES WITH BENTON COUNTY SHERIFF’S DEPARTMENT BY RESOLUTION NO. 11-1368

A motion was made by Council Member Chambers, seconded by Council Member Everett to approve Resolution No. 11-1368 approving the Agreement for the use of Jail Facilities with the Benton County Sheriff’s Department. Motion passed 7 YES, 0 NO, 0 ABSENT.

ORDINANCE NO. 11-2754 AMENDING THE 2011 BUDGET

A motion was made by Council Member Everett, seconded by Council Member Becken to adopt Ordinance No. 11-2754 amending the 2011 Budget. Motion passed 7 YES, 0 NO, 0 ABSENT.

APPROVE PAYMENT FROM THE GENERAL FUND TO THE WATER FUND FOR FIRE FLOW COSTS IN 2011 AND FUTURE YEARS

A motion was made by Council Member Rainer, seconded by Council Member Everett to approve payment of \$15,000 from the General Fund to the Water Fund for Fire Flow costs in 2011 and future years. Motion passed 7 YES, 0 NO, 0 ABSENT.

EXECUTIVE SESSION

At 7:55 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)(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 session was expected to last 5 minutes and included the Mayor and Council Members, City Attorney, City Administrator, Deputy City Administrator/Finance Director, Public Works Director, and the City Clerk.

At 8:00 p.m., Mayor Warden reconvened the Regular Meeting of the City Council and stated no action had occurred in the executive session.

ADJOURNMENT

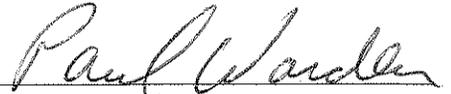
There being no further business before the City Council at this time, the Regular Meeting of the Prosser City Council was adjourned at 8:01 p.m.

Attest:



City Clerk Rachel Shaw





Mayor Paul Warden