

CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL REGULAR MEETING
TUESDAY, JUNE 24, 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 led by Prosser Heights Elementary “Kids that Cares” award recipient Ashley Cooper.

ROLL CALL

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

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

MAYOR AND COUNCIL REPORTS AND COMMENTS

Mid-Columbia Library Quarterly Report

Katy McLaughlin, Prosser Branch Manager provided Mayor and Council the Library’s Second Quarter Report. Ms. McLaughlin discussed the highlights over the quarter and provided a status update on the Library remodel project.

CITIZEN PARTICIPATION

Discussion of I-502

Mayor Warden introduced the item and thanked the audience for being present to speak. He asked that everyone be respectful of one another, keep to the facts, stated no personal attacks would be tolerated and advised of the three minute time allocation for each speaker.

Council heard testimony from:

1. Rich Korb, 144801 W. Buena Vista Road, spoke in opposition of the item expressing his concern to protect the citizens of Prosser.

Mayor Warden introduced Commander Jim Martinez, Washington State Liquor Control Board (WSLCB) Enforcement Unit, and advised Mr. Martinez was present to answer any questions and to explain how the Enforcement Unit works.

2. Mr. Martinez thanked Council for inviting him to speak on behalf of the WSLCB. Mr. Martinez explained the role of the Enforcement Unit and advised there are twenty-two officers assigned to the unit specializing in marijuana. He addressed compliance, security, background checks for marijuana store employees, transportation of product and

testing requirements licensed marijuana stores have to meet. He also referenced WAC 314-55 Marijuana Licenses, Application Process, Requirements and Reporting, and discussed how marijuana stores have to operate according to the law.

3. Peggy Brown, 1323 Grant Avenue, asked Mr. Martinez a series of questions related to the Enforcement Unit Officers and their location of which Mr. Martinez answered.
4. Shelly Pontin, 146902 W. Hoisington Road, asked for an explanation regarding whether or not the retail store would sell medical marijuana.

Mayor Warden explained Council previously adopted an ordinance that enacted a moratorium on medical marijuana, however retail sales were legal within the City.

5. Ray Tolcacher, Prosser School District, spoke in opposition of the topic and expressed his concern with under age access and use. Additionally, he requested the City increase its enforcement efforts and consequences for adults who provide drugs to minors. Mr. Tolcacher handed City Clerk Shaw a copy of an email from Heidi Maynard, Washington State School Directors' Association, and requested the email be provided to the City Council.
6. Jen Dorsett, Community Coordinator for the Prosser Community Involvement Action (CIA) Coalition, spoke in opposition of the topic and inquired as to the rules on social media advertisement of marijuana stores as it related to accessibility to minors.

Mr. Martinez stated it is illegal to advertise to minors and once the State receives a complaint against a legally, licensed business, an investigation would be opened.

7. Jon Ladines, 350 OIE, stated he was in law enforcement for fourteen years and spoke in opposition of the item expressing his concern with the location of the store and the accessibility to youths.
8. Greg Novell, Prosser, spoke in opposition of the topic and stated, "What we reap as a town is what we sow, it's not man's law, it's God's law."
9. Tom Denlea, 145 W. SR 22, stated he is the General Manager of Best Western Hotel, Wine Country RV Park, property owner of Starbucks and the surrounding retail stores and has a vested interest in the community. Mr. Denlea thanked the Council for volunteering their time as leaders of our community and apologized for not participating in the previously advertised Public Hearings related to the topic. Mr. Denlea asked that Council ban any further marijuana activity in Prosser.
10. Jedidiah Haney, 405 34th Avenue, Yakima, Executive Director of CAUSE-M, stated his business represents the legal and safe recreational cannabis industry and spoke in favor of the item stating it is a legal State law.

11. Scott Masengill, 47504 N. 108 PR NW, Yakima, thanked Council for their openness related to the topic and stated he is a licensed marijuana grower and a job creator. Mr. Masengill further stated it is legal to smoke marijuana in Washington State for consenting adults in the privacy of their homes.
12. Randy McMurrin, 158901 W. OIE, spoke in favor of the topic stating his opinion on potential increased economic benefits that could be recognized from the retail marijuana industry.
13. Peggy Brown, 1323 Grant Avenue, stated she and her husband were the picketers standing outside of City Hall and around town. She expressed her displeasure with the marijuana store and stated the City had the option to not permit the business and a duty to provide information related to the business to citizens.
14. Larry Taylor, 826 Ford, spoke against the item and said, "even if it's legal, it's not moral." Mr. Taylor asked if Council considered the consequences or thought about how this would impact property values.

Mayor Warden spoke about the City's approach to retail marijuana and referenced other cities throughout the State that are being sued for banning retail stores.

15. Shelly Pontin, 146902 W. Hoisington Road, stated her late husband who passed away last November of complications with cancer, used medical marijuana and said he would have suffered much more without the drug.
16. Jeffery McPhee, 6401 St. Rt. 410, Naches, spoke in favor of the item and stated in his opinion the recreational store takes the sale of marijuana out of the hands of drug cartel and off the black market.
17. Paul Tabayoyan, 8 Burning Tree Drive, Yakima, stated he is a marijuana producer, processor, and spoke in favor of retail marijuana.
18. David Rand, 10 Maple Grove, Sunnyside, said he was a successful businessman and spoke in favor of the medical benefits he has personally experienced with the use of marijuana.
19. Jason Rainer, 1954 Mountain View Drive, stated he opposed the marijuana store and expressed his concern with the business opening.
20. Adrienne Rainer, 1954 Mountain View Drive, spoke against the retail marijuana store and empathized with the difficult decision Council had to make.
21. Ken Bierlink, Merlot Drive, opposed the retail marijuana store and inquired about the building standards for new businesses. Mr. Bierlink further stated the store building is unappealing.

22. Larry Marchant, 136601 Huard Road, spoke against the topic and expressed his concern with under age accessibility and use.
23. Frank Vermulm, 2236 Hinzerling Road, stated he is in the trucking business and the marijuana store will put his business at risk. Mr. Verlmulm said the marijuana store is a “moral defeat for Prosser.”
24. Jim Hopwood, 221 Mariposa Court, stated he is the Pastor at the Prosser Bethel Church which is currently building a \$3 million dollar facility in Prosser. Furthermore, he expressed his concern with sending the wrong message to children.
25. Jolene Vermulm, 2236 Hinzerling Road, stated she is the mother of eleven children and expressed her deep concern with the retail marijuana store opening and asked that Council not allow any further retail marijuana development.
26. Jim White, 2111 Miller Court, opposed the item stating he has worked in public schools as a teacher for thirty-three years and has seen the destruction marijuana use brings to families. Mr. White further stated that retail marijuana was not an “economic development” for Prosser.

Mayor Warden said that money never entered the discussion and was not a motivation. The product will be highly taxed and the portion of revenues that will be remitted to the cities is minimal.

27. Kris Giracdin, 1108 W. Fremont, Selah, spoke in favor of the item and expressed her gratitude to Council for their consideration of the topic.
28. Cipriano Esparza, 43001 N. Griffin Road, stated marijuana crops are similar to wine grapes and felt that the retail business would be a good thing for the County.
29. Dan Denchel, 325 Merlot Drive, spoke in opposition of the item expressing his concern and disappointment with Council for allowing the sale of retail marijuana in Prosser.
30. Tim Thompson, 11624 N. Missimer Road, stated he is a local Chiropractor and the principal investor of Altitude, the retail marijuana store in Prosser. Mr. Thompson said it was his desire to turn something negative into something positive and expressed his opinion regarding the \$2.5 trillion dollars spent on the “war against drugs that has been lost.” He addressed how the store would be regulated and spoke of his hope to help eliminate the black market for marijuana.
31. Lisa Homier, 11624 N. Missimer Road, stated the voters have voted the initiative in, it’s law, it’s legal and it will be regulated.
32. Zachary Crews, 4013 W. Walnut, Yakima, spoke in favor of the item stating people had the choice to “be a victim or a beneficiary.”

33. Richard Esparza, 169302 Hanks Road, stated he was a proponent of retail marijuana, a retired educator, has a master's degree, and hoped the marijuana store benefits the community.

Mayor Warden read into the record an email the City received from Margie Lemberger who wrote in favor of the retail marijuana store expressing her gratitude to be able to purchase known marijuana safely and legally.

34. Nicole Nastri, 42 S. Waverly Street, Kennewick, said she is an educator, has a master's degree and stated the debate is protecting citizenry and freedom. A business man has every right to legally open a store and the sale of marijuana will be taxed and regulated, taking the drug off the black market.
35. Tim Oten, 1219 Quarterhorse Trail, stated he has been a member of the Prosser community since 1990 and spoke in opposition of the sale of retail marijuana. Mr. Oten further stated the marijuana store posed a moral and ethical dilemma that will fundamentally change the town and is nothing to be proud of.
36. Jose Alvarado, Prosser, Prosser, said he is a marijuana user and spoke of the medical benefits he personally has experienced from marijuana and stated he is open with his children about his drug use.
37. Evonne Alvarado, Prosser, stated she is not a user of marijuana, however she supported her husband and said the responsibility of raising and educating children to make good choices starts in the home.

CONSENT AGENDA

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

- a. Approve Payment of Payroll Checks Nos. 600072 through 600074 in the Amount of \$1,627.87 and Direct Deposits in the Amount of \$12,137.98, for the Period Ending June 24, 2014
- b. Approve Maintenance Contract with Abadan for Konica Minolta Bizhub C25 Contract
- c. Approve Payment of Claim Checks Nos. 10782 through 10835, in the Amount of \$152,161.06, and Electronic Payments in the Amount of \$26,427.75, for the Period Ending June 24, 2014
- d. Approve Revised DWSRF Invoice Voucher Request No. 4 in the Amount of \$13,991.70 for the Zone 2.5 Water Supply Improvements Project and Authorize the Mayor to Sign the Documents

- e. Approve Interagency Agreement No. K2853 between the City of Prosser and Department of Enterprise Services and Authorize the Mayor to Sign the Documents

PUBLIC HEARING

WATER USE EFFICIENCY GOALS

At 8:46 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct a Public Hearing regarding water use efficiency goals. Mayor Warden called for public comments. With no comments being offered, the Public Hearing was closed and the Regular Meeting of the Prosser City Council was reconvened at 8:46 p.m.

SHORELINE MASTER PROGRAM

At 8:47 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct a Public Hearing regarding the Shoreline Master Program. Mayor Warden called for public comments. With no comments being offered, the Public Hearing was closed and the Regular Meeting of the Prosser City Council was reconvened at 8:48 p.m.

UPDATES TO THE COMPREHENSIVE PLAN AND LAND USE MAP

At 8:48 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct a Public Hearing regarding updates to the Comprehensive Plan and Land Use Map. Mayor Warden called for public comments. With no comments being offered, the Public Hearing was closed and the Regular Meeting of the Prosser City Council was reconvened at 8:48 p.m.

COUNCIL ACTION

ADOPTION OF RESOLUTION NO. 14-1460 APPROVING THE WATER USE EFFICIENCY GOALS

Council Member Hamilton asked if the adoption of the resolution would pose any rate increases. Public Works Director DaCorsi stated it will not impose any rate increases and it is a review of goals only. A motion was made by Council Member Everett, seconded by Council Member Taylor to adopt Resolution No. 14-1460 approving the Water Use Efficiency Goals. Motion passed 7 YES, 0 NO, 0 ABSENT.

ADOPTION OF ORDINANCE NO. 14-2896 AND ORDINANCE NO. 14-2897 RELATED TO THE SHORELINE MASTER PROGRAM

A motion was made by Council Member Everett, seconded Council Member Taylor to adopt Ordinance No. 14-2896 repealing the existing Shoreline Master Program contained in Prosser Municipal Code Chapter 16.04, adopting a new Shoreline Master Program and adopting Shoreline Designation Maps. Motion passed 7 YES, 0 NO, 0 ABSENT.

A motion was made by Council Member Everett, seconded by Council member Taylor to adopt Ordinance No. 14-2897 amending Prosser Municipal Code Sections 16.10.102, 16.10.130, 16.20.010, 16.20.040, 16.20.050, and 16.60.040 of the City's Critical Areas ordinance to make it consistent with the City's Shoreline Master Program. Motion passed 7 YES, 0 NO, 0 ABSENT.

ADOPTION OF ORDINANCE NO. 14-2898 RELATED TO THE COMPREHENSIVE PLAN AND LAND USE MAP

A motion was made by Council Member Everett, seconded by Council Member Taylor to adopt Ordinance No. 14-2898 modifying the City of Prosser Comprehensive Plan and Land Use Map. Motion passed 7 YES, 0 NO, 0 ABSENT.

DISCUSSION ITEMS

NON-UNION SALARY STUDY REVIEW

This item was removed from the Agenda and will be considered at the next regularly scheduled Council meeting.

EXECUTIVE SESSION

At 8:54 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct an Executive Session pursuant to RCW 42.140(4)(a) collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b), that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress. The Executive Session was expected to last for 10 minutes and was to include Mayor and Council Members, City Clerk, Finance Director, and City Attorney.

At 9:04 p.m., Mayor Warden reconvened the Regular Meeting of the Prosser City Council and stated no action occurred.

DISCUSSION ITEMS CONTINUED

Council Member Hamilton said he felt that the citizens of Prosser expected Council to take action on the marijuana item and inquired if that was going to happen at a future meeting.

Mayor Warden stated the purpose of the citizen comment period in the meeting was to allow both sides of the issue to be heard as well as address any questions. No action was required at the meeting.

City Attorney Saxton advised the Planning Commission will be holding a Public Hearing to receive citizen comment regarding the marijuana store hours and regulations.

Council inquired if a moratorium could be enacted.

City Attorney Saxton explained that a moratorium would not stop the active business but would put a hold on any future stores opening until the moratorium expired. At that point Council could consider an ordinance banning marijuana sales.

Council Member Ward asked if the City had design standards for new businesses and if the marijuana store had followed those standards.

Mayor Warden stated the City does not have design standards however the new business does meet the standard Code requirements.

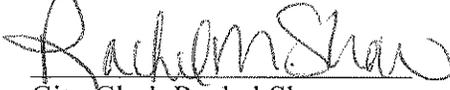
ADJOURNMENT

There being no further business before the City Council at this time, the Regular Meeting of the Prosser City Council was adjourned at 9:13 p.m.



Mayor Paul Warden

Attest:



City Clerk Rachel Shaw

