

**CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL REGULAR MEETING
TUESDAY, AUGUST 12, 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 Care” Award Recipient Ezekiel Akinbade.

ROLL CALL

Council Members Aubrey, Taylor, Hamilton, Becken, and Elder were present. Council Members Everett and Ward requested an excused absence.

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

[Clerk's Note: Mayor Warden, with Council's consent, amended the order of agenda items to accommodate presenters and citizens in attendance.]

MAYOR AND COUNCIL REPORTS AND COMMENTS

Presentation of Senior Project from PHS Student

Mayor Warden explained Prosser High School student Jenna Essary approached the City with a request related to her senior project “Turn It Teal.”

Jenna Essary said as part of her senior project she would like to incorporate the partial use of the Wine Country Road Bridge for the purpose of recognizing Ovarian Cancer Awareness Month during the month of September, 2014. She explained she will be selling large, teal colored ribbons at the Farmer's Market to tie on the Bridge, with Council's approval, and will be donating all the funds raised to the American Cancer Society. Additionally with the help of her father, Blake Essary, a licensed electrician, she would like to temporarily string teal colored LED lights on the West side of the Bridge, attached to the railing and around the light poles. There will be no cost to the City as her father has offered to donate all electrical work, permits, and materials. No equipment will be mounted to the bridge and all electrical modifications will remain in place and become the property of the City unless otherwise specified. She would like to install the lights and ribbons by September 1, 2014 and remove them by September 30, 2014.

Council commended Ms. Essary for her project.

A motion was made by Council Member Taylor, seconded by Council Member Aubrey to grant permission to Jenna Essary to install LED lights and ribbons on the Wine Country Road Bridge in honor of Ovarian Cancer Awareness Month for the month of September 2014. Motion passed 5 YES, 0 NO, 2 ABSENT (Everett, Ward).

Chamber of Commerce Quarterly Report

Humberto Rodriguez, Executive Director, provided an overview of the quarter's highlights and a comparison of year-to-date Hotel/Motel revenue received. Mr. Rodriguez explained the numbers are a little lower than last year's; consistent with similar reports from other tourist regions. On Saturday, October 11, 2014 from 4:00 p.m. – 10:00 p.m., the Chamber will be hosting its first ever "Beer and Whiskey Festival" and tickets will be made available in the Chamber Office. Mr. Rodriguez also provided a reminder for other upcoming community events including the State's Day Parade and Carnival on September 1st and the 25th Annual Great Prosser Balloon Rally the last weekend in September.

Council thanked Mr. Rodriguez for the report and his efforts.

CITIZEN PARTICIPATION

[Clerk's Note: citizen participation was in regards to Agenda Item 7d.]

Tim Thompson, 11624 N. Missimer Road, stated he is the principal investor of Altitude and provided Council a handout related to marijuana use among Colorado high school students published by the Colorado Department of Public Health and Environment. Mr. Thompson stated his opinion regarding the results from the study and encouraged Council to review the facts.

Johnny Rodriguez, 129 Spruce Avenue, echoed Mr. Thompson's sentiments and spoke in opposition of the moratorium. He said he felt that people who were against Mr. Thompson's store were complaining at the wrong venue; the voters voted to legalize marijuana and those who are against it should go to Olympia.

Jedidiah Haney, 405 S 34th Avenue, Yakima, Executive Director of Cause M, provided a folder of handouts related the marijuana moratorium discussion. Mr. Haney stated he is opposed to the moratorium and expressed his thoughts on decriminalization of marijuana and his concern with the black market.

Mayor Warden provided an explanation regarding the intent of the moratorium and what it means to the City if Council adopted the proposed ordinance which would enact a moratorium.

Randy Williams, 133302 W Johnson Road, Owner of Fire Weed Farms, a local marijuana grow operation, spoke in opposition of the moratorium and stated he is a business man that pays over \$1 million dollars in taxes, employs fifteen workers and generally supports the community.

Caleb Wolkenhauer, 141302 W North River Road, stated he is a medical marijuana patient with a long history of debilitating epileptic episodes that hindered his ability to participate in sports or stay employed. Mr. Wolkenhauer explained how over the course of his medical disorder he has tried fourteen different medications, none of which worked to help him until he tried medical

marijuana. He further expressed his gratitude for the convenience and accessibility of his medication at the local marijuana store.

Montana Dutton, 633 N 3rd, Omak, said she is currently working with the City of Omak officials to obtain a business registration to open a marijuana store. Ms. Dutton explained she has both her Master's and Bachelor's degrees and is a healthcare provider, mother, and a philanthropist who cares deeply about the health and well being of people. She wants to be able to provide low-cost health care to her community and is working closely with her local State Representatives to legalize sun-grown marijuana and to get excise sales tax back into the hands of the cities from the State.

Nathan Brugnone, 325 Canyon Road #14, stated he feels safer now that the local marijuana store has opened due to the reduction in illegal drug deals and drug related crimes and spoke in favor of the medical benefits of marijuana. Mr. Brugnone asked Council Member Becken if he heard him correctly on the news saying "we are fighting a losing battle?" Council Member Becken confirmed his statement. Mr. Brugnone then asked why the City is wasting tax payers' money and time on this topic and said that marijuana was legalized by the voters.

ADD ON ITEMS

USDA Equipment Grant – Police Vehicles

Mayor Warden introduced the add-on item and provided a Letter of Conditions – Community Facility Program, the City received from USDA, related to the purchase of two police cars and purchase and installation of equipment.

Council Member Taylor stated he was in favor of the item and said he'd prefer the project be paid for out of Criminal Justice Funds in 2014 and transfer the money back into the Criminal Justice Fund from the General Fund in 2015.

A motion was made by Council Member Taylor, seconded by Council Member Elder to accept the Letter of Conditions from the USDA and to pay for the purchase out of the Criminal Justice Fund and transfer the money back from the General Fund in 2015 and authorize Mayor to sign form RD 1940-1 Request for Obligation of Fund. Motion passed 4 YES, 1 NO (Becken), 2 ABSENT (Everett, Ward).

CONSENT AGENDA

A motion was made by Council Member Taylor, seconded by Council Member Becken to approve Consent Agenda Items "A – K." Motion passed 5 YES, 0 NO, 2 ABSENT (Everett, Ward).

- a. Approve Payment of Washington Trust Bank Claim Check No. 1054 in the Amount of \$14,905.16, for the Period Ending August 12, 2014
- b. Approve Payment of Payroll Checks Nos. 600122 through 600163 in the Amount of \$48,012.06 and Direct Deposits in the Amount of \$104,840.23, for the Period Ending July 31, 2014

- c. Approve Payment of Claim Checks Nos. 10993 through 11002 and 11004 through 11093, in the Amount of \$379,063.68 and Electronic Payments in the Amount of \$86,669.04, for the Period Ending August 12, 2014
- d. Approve Second Quarter Financial Statement
- e. Approve Progress Estimate No. 4, in an Amount of \$64,046.00, for Total Energy Management for the Telemetry Upgrades Project (Contract Addendum No. 2)
- f. Adopt Resolution 14-1462 Accepting the Disinfection, Filtration and Source Improvements Project as Complete, Approve Final Progress Estimate No. 8 in the Amount of \$7,127.70, and Approve Retainage Release of \$81,329.69 Upon Satisfactorily Fulfilling Specific Conditions
- g. Adopt Resolution 14-1463 Approving Changes to the By-Laws and Interlocal Agreement with Cities Insurance Association of Washington (CIAW)
- h. Approve Contract with The Wesley Group to Provide Professional Labor Negotiation Services and Human Resource Support for the Period of November 1, 2014 through October 31, 2015, and Authorize the Mayor to Sign the Documents
- i. Approve the Fire and Irrigation Reroute Easement between the City of Prosser and Ste. Michelle Wine Estates, ltd., and Authorize the Mayor to Sign the Document
- j. Approve the Transportation Improvement Board (TIB) Application for funding of the 7th Street Roadway Improvements Project and Authorize the Mayor to Sign the Document
- k. Approve the June 24, 2014 Meeting Minutes

COUNCIL ACTION

APPROVE PAYMENT OF CLAIM CHECK NO. 11003 IN THE AMOUNT OF \$61,375.30, FOR THE PERIOD ENDING JULY 31, 2014

Council Member Hamilton recused himself due to a conflict of interest. A motion was made by Council Member Taylor, seconded by Council Member Becken to approve payment of claim check no. 11003 in the amount of \$61,375.30, for the period ending July 31, 2014. Motion passed 4 YES, 0 NO, 2 ABSENT (Everett, Ward), 1 ABSENTION (Hamilton).

ADOPT RESOLUTION 14-1464 APPROVING THE SELECTION OF HUNGERFORD & TERRY INC., AS A SOLE SOURCE VENDOR AND APPROVE THE PURCHASE OF APPROXIMATELY \$81,900.00, PLUS TAX AND SHIPPING OF GREENSAND PLUS AND ANTHRACITE FILTER MEDIA, A BUDGETED EXPENSE

City Attorney Saxton provided Council with an explanation of sole source exception. Public Works Director DaCorsi stated they were the only manufacturer of the product. A motion was made by Council Member Becken, seconded by Council Member Taylor to adopt Resolution No. 14-1464 approving the selection of Hungerford & Terry Inc., as a Sole Source Vendor and approve the purchase of approximately \$81,900.00, plus tax and shipping of Greensand Plus and Anthracite Filter Media, a budgeted expense. Motion passed 5 YES, 0 NO, 2 ABSENT (Everett, Ward).

CONSIDERATION OF AN ORDINANCE APPROVING POSITION DESCRIPTIONS FOR CERTAIN APPOINTED AND NON-APPOINTED POSITIONS

Mayor Warden stated this item would be removed from the agenda until a full Council was present to discuss.

CONSIDERATION OF AN ORDINANCE ENACTING A MORATORIUM

Mayor Warden read into the record a statement from Council Member Ward, dated August 11, 2014, stating his position in favor of a moratorium on marijuana, halting production, processing, and retail. Mayor Warden stated Council Member Everett provided a verbal confirmation of his position in favor of the moratorium. City Attorney Saxton clarified that documents provided to Council from citizens are not part of the official record until the September 23, 2014 City Council meeting during the Public Hearing.

A motion was made by Council Member Hamilton, seconded by Council Member Becken to adopt Ordinance No. 14-2902 enacting a moratorium. Motion passed 5 YES, 0 NO, 2 ABSENT (Everett, Ward).

COUNCIL DISCUSSION

Non-Union Salary Pay

Mayor Warden stated this item would be removed from the agenda until a full Council was present to discuss.

MAYOR AND COUNCIL REPORTS AND COMMENTS CONTINUED

Council Member Taylor said he would like to add to a future Work Session agenda an item to discuss cost recovery of proposals and recommendations in order to provide staff clear direction. Mayor Warden confirmed this item would be added to the next regularly scheduled Work Session agenda.

Mayor Warden expressed his gratitude to the Public Works, Police and City Hall staff involved in the emergency power and water outage that occurred earlier in the day and stated that services were restored rather quickly due to the expertise and support of all the employees.

Mayor Warden reported that he along with Public Works Director DaCorsi presented the City Park Restroom Remodel Project grant application to the Recreation Conservation Office (RCO)

Committee in Olympia and said the presentation went very well. The City should have a response on the on ranking of project in approximately a month.

ADJOURNMENT

There being no further business before the City Council at this time, the Regular Meeting of the Prosser City Council was adjourned at 8:11 p.m.



Mayor Paul Warden

Attest:



City Clerk Rachel Shaw

