

**CITY OF PROSSER, WASHINGTON  
601 7<sup>TH</sup> STREET  
CITY COUNCIL CHAMBERS  
CITY COUNCIL REGULAR MEETING  
TUESDAY, SEPTEMBER 23, 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, Police Chief Giles, Public Works Director DaCorsi, City Planner Zetz, and City Attorney Saxton.

**MAYOR AND COUNCIL REPORTS AND COMMENTS**

Council Member Everett provided a reminder for the Great Prosser Balloon Rally the weekend of September 26<sup>th</sup> – 28, 2014.

Council Member Taylor said he would like to add a discussion item relate to cost recovery to the October 7, 2014 City Work Session.

***E-Cigarette Ordinance***

Mayor Warden advised the Council packet included research and an ordinance regarding e-cigarettes that had been recently adopted by City of Pasco and asked Council consider adopting a similar ordinance.

Council Member Aubrey stated he felt the City is over “ordinancing” the citizens and felt adults could make their own decisions.

There was discussion on whether or not the Police Department had the man power to enforce an ordinance that would restrict the use of e-cigarettes and if the City had the ability to outright ban the use at City owned facilities.

**CITIZEN PARTICIPATION**

Jennifer Dorsett, Prosser CIA, spoke on the e-cigarette matter and reported the issues the school district has come across with the devices.

Bambi Pescasio, Education Service District, ATOP Policy Specialist, advised a concern was raised from the Superintendents asking for advice and guidance on how to handle the issues they are seeing related to e-cigarettes. Ms. Pescasio said the School Districts are asking the cities to adopt ordinances to help set a tone and enforce underage tobacco use.

Mayor Warden stated the proposed ordinance would be provided to Council at the October 7, 2014 City Council meeting for further discussion.

## **PUBLIC HEARING**

### **RECREATIONAL AND MEDICAL MARIJUANA MORATORIUM PROHIBITING PRODUCTION, PROCESSING AND RETAILS SALES IN ALL ZONING DISTRICTS WITHIN THE CITY**

At 7:18 p.m., Mayor Warden recessed the Regular meeting of the Prosser City Council to conduct a Public Hearing regarding recreational and medical marijuana moratorium prohibiting production, processing, and retail sales in all zoning districts within the City. Mayor Warden called for public comment. Jennifer Dorsett, Prosser CIA, spoke in favor of the proposed moratorium. Peggy Brown, Grant Avenue, spoke in favor of the proposed moratorium. 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.

## **CONSENT AGENDA**

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

- a. Approve Payment of Payroll Checks Nos. 600208 through 600210 in the Amount of \$2,173.87 and Direct Deposits in the Amount of \$12,292.21, for the Period Ending September 15, 2014
- b. Approve Payment of Claim Checks Nos. 11232 through 11296, in the Amount of \$321,946.34 and Electronic Payments in the Amount of \$29,173.42, for the Period Ending September 23, 2014
- c. Approve Payment of Washington Trust Bank Claim Checks Nos. 1056 and 1057, in the Amount of \$70,280.85, for the Period Ending September 11, 2014
- d. Accept Invoice for Operation of the Visitor Information Center and Reimbursable Tourism and Promotional Expenses for the Month of September and Authorize Payment for those Services in the Amount of \$6,500.00
- e. Approve August 2014 Financial Statement
- f. Adopt Resolution 14-1465 Surplusing City of Prosser Property
- g. Approve Progress Bill No. 5 in the Amount of \$39,858 for work Performed by HLA, Inc., through August 31, 2014, for Preliminary Engineering and Design on the Old Island Empire Highway Improvements Project and Authorize the Mayor to Sign the Documents

- h. Approve Drinking Water State Revolving Fund (DWSRF) Invoice Voucher Request No. 7 in the Amount of \$15,616.75 for the Zone 2.5 Water Supply Improvements Project and Authorize the Mayor to Sign the Documents

### COUNCIL ACTION

#### CONSIDERATION OF ADDENDUM NO. 4 TO THE AGREEMENT FOR PROFESSIONAL SERVICES – NORTH PROSSER WATER SYSTEM IMPROVEMENTS PROJECT, BETWEEN THE CITY OF PROSSER AND HLA, INC., IN AN AMOUNT NOT TO EXCEED \$40,000, AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENTS

A motion was made by Council Member Everett, seconded by Council Member Becken to approve Addendum No. 4 to the Agreement for Professional Services – North Prosser Water System Improvements Project, between the City of Prosser and HLA, Inc., in an amount not to exceed \$40,000, and authorize the Mayor to sign the documents. Motion passed 7 YES, 0 NO, 0 ABSENT.

#### CONSIDERATION OF ORDINANCE NO. 14-2904 APPROVING A LOCAL AGENCY AGREEMENT WITH WSDOT FOR THE DESIGN OF THE 7<sup>TH</sup> STREET ADA SIDEWALK RAMP IMPROVEMENTS; ESTABLISH THE 7<sup>TH</sup> STREET ADA SIDEWALK IMPROVEMENTS FUND (303); AND AMEND THE 2014 BUDGET

A motion was made by Council Member Taylor, seconded by Council Member Everett to adopt Ordinance No. 14-2904 approving a Local Agency Agreement with WSDOT for the design of the 7<sup>th</sup> Street ADA Sidewalk Ramp Improvements; establish the 7<sup>th</sup> Street ADA Sidewalk Improvements Fund (303); and amend the 2014 Budget. Motion passed 7 YES, 0 NO, 0 ABSENT.

#### CONSIDERATION OF ORDINANCE NO. 14-2905 APPROVING A LOCAL AGENCY AGREEMENT WITH WSDOT FOR THE DESIGN OF THE OIE PHASE 2 IMPROVEMENT PROJECT; CREATE THE OIE PHASE 2 IMPROVEMENT FUND (304); AND AMEND THE 2014 BUDGET

A motion was made by Council Member Taylor, seconded by Council Member Everett to adopt Ordinance No. 14-2905 approving a Local Agency Agreement with WSDOT for the design of the OIE Phase 2 Improvement Project; create the OIE Phase 2 Improvement Fund (304); and amend the 2014 Budget. Motion passed 7 YES, 0 NO, 0 ABSENT.

#### CONSIDERATION OF ORDINANCE NO. 14-2906 CREATING PROJECT FUND (105) AND AMENDING THE 2014 BUDGET

A motion was made by Council Member Taylor, seconded by Council Member Everett to adopt Ordinance No. 14-2906 creating Project Fund (105) and amending the 2014 Budget. Motion passed 7 YES, 0 NO, 0 ABSENT.

#### CONSIDERATION OF ORDINANCE AMENDING THE 2014 BUDGET FOR VARIOUS FUNDS

A motion was made by Council Member Taylor, seconded by Council Member Becken to adopt Ordinance No. 14-2907 amending the 2014 Budget for various funds. Motion passed 7 YES, 0 NO, 0 ABSENT.

**PUBLIC HEARING**

At 7:45 p.m., Mayor Warden recessed the Regular Meeting of the Prosser City Council to conduct a Public Hearing regarding 2015 Revenue Sources. Mayor Warden called for public comment. With none being offered, Mayor Warden closed the Public Hearing and reconvened the Regular Meeting of the Prosser City Council at 7:45 p.m.

**COUNCIL DISCUSSION**

***2015 Revenue Sources***

Finance Manager Mauras provided an overview of the 2015 Budget and discussed the revenue sources, sales tax by quarter, and a potential 1% property tax increase.

**ADD ON ITEMS**

**EXECUTIVE SESSION**

At 8:00 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 Executive Session was expected to last for 10 minutes and was to include Mayor and Council Members, City Clerk, Finance Director, City Planner, and City Attorney.

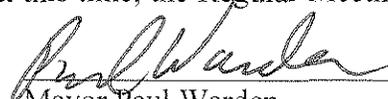
At 8:10 p.m., Mayor Warden reconvened the Regular Meeting of the Prosser City Council and stated no action occurred.

**AGREEMENT WITH TELQUIST ZIOBRO MCMILLEN CLARE, PLLC**

A motion was made by Council Member Taylor, seconded by Council Member Everett to approve the Fees and Payment Arrangement Agreement between the City of Prosser and Telquist Ziobro McMillen Clare, PLLC, to provide legal services and authorize the City Attorney to sign the agreement. Motion passed 6 YES, 1 NO (Hamilton), 0 ABSENT.

**ADJOURNMENT**

There being no further business before the City Council at this time, the Regular Meeting of the Prosser City Council was adjourned at 8:15 p.m.

  
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Mayor Paul Warden

Attest:

  
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City Clerk Rachel Shaw

