

City of Prosser
CITY COUNCIL
REGULAR MEETING AGENDA
Council Chambers, 601 7th Street, Prosser WA 99350
Tuesday, June 23, 2015 at 7:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. CITIZEN PARTICIPATION
5. MAYOR AND CITY COUNCIL REPORTS AND COMMENTS
 - a) Oath of Office of Reserve Officer Chris Baugh
 - b) Quarterly Report Presentations
 - c) Miss Prosser Presentation
6. CONSENT AGENDA
 - a) Approve Payment of Payroll Check Nos. 600387 through 600391 in the amount of \$3,604.53 and Direct Deposits in the Amount of \$15,492.65, for the Period Ending June 15, 2015..... *Page 4*
 - b) Approve Payment of Claim Checks Nos. 12553 through 12661, in the Amount of \$234,356.76 and Electronic Payments in the Amount of \$19,079.85 for the Period Ending June 23, 2015..... *Page 6*
 - c) Accept Monthly Report by Prosser Economic Development Association for the Month of May 2015 and Authorize Payment for those Services in the Amount of \$2,166.66 and Authorize Payment in the Amount of \$1,416.67 for Grant Writer Services *Page 20*
 - d) Approve the Special Event Application for the Sacred Heart Parish Latin Festival, August 9, 2015, at the Prosser City Park *Page 25*
 - e) Confirm the Appointment of Allen Bierlink to the Board of Adjustment as Appointed by Mayor Warden *Page 31*

The first Ordinance passed will be Ordinance 15-2935
The first Resolution passed will be Resolution 15-1488

- f) Approve Progress Bill No. 6 in the Amount of \$704.29, for Work Performed by HLA, Inc., through May 31, 2015, for Preliminary Engineering and Design on the 7th Street ADA Sidewalk Ramp Improvements Project and Authorize the Mayor to Sign the Documents *Page 34*
- g) Approve Progress Bill No. 13 in the Amount of \$3,869.51, for Work Performed by HLA, Inc., through May 31, 2015, for Preliminary Engineering and Design on the Old Inland Empire Highway Improvements Project and Authorize the Mayor to Sign the Documents *Page 39*
- h) Approve Progress Bill No. 6 in the Amount of \$4,629.18, for Work Performed by HLA, Inc., through May 31, 2015, for Preliminary Engineering and Design on the Old Inland Empire Highway Improvements Phase 2 Project and Authorize the Mayor to Sign the Documents *Page 44*
- i) Adopt Resolution 15-_____ Surplusing City of Prosser Property *Page 49*
- j) Approve May 12, 2015 Meeting Minutes *Page 52*
- k) Approve May 26, 2015 Meeting Minutes *Page 55*

7. COUNCIL ACTION

- a.) **Claim Checks** *Page 59*

RECOMMENDATION: Approve Payment of Claim Check No. 12662 and 12663, in the Amount of \$249.09 for the Period Ending June 23, 2015.

- b.) **Engagement Letter with D.A. Davidson for the Refinancing of Certain Long Term Debt** *Page 61*

RECOMMENDATION: Approve the Underwriting Engagement Letter with D.A. Davidson for the Refinancing of Certain Long Term Debt and authorize the Mayor to sign the Agreement.

- c.) **Consideration of ORDINANCE Allowing for the Refinancing for Certain Long Term Debt and Allowing for the Issuance of a Bond Associated with the Wastewater Treatment Plant Improvement Project** *Page 69*

RECOMMENDATION: Adopt Ordinance No. 15-_____ Providing for the Issuance of Revenue Bonds in an Aggregate amount of \$5,000,000 for the Purpose of Refinancing Certain Utility Debt and for the Issuance of Bonds Associated with the Wastewater Treatment Plant Improvement Project.

***The first Ordinance passed will be Ordinance 15-2935
The first Resolution passed will be Resolution 15-1488***

8. COUNCIL DISCUSSION

a.) Operating Funds Budget Amendment *Page 105*

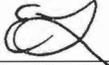
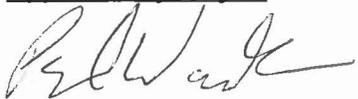
b.) Shoreline Master Program Amendment..... *Page 116*

9. ADJOURNMENT

***The first Ordinance passed will be Ordinance 15-2935
The first Resolution passed will be Resolution 15-1488***

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve payment of payroll check nos. 600387 through 600391 in the amount of \$3,604.53 and direct deposits in the amount of \$15,492.65 for the period ending June 15, 2015		Meeting Date: June 23, 2015 Regular Meeting	
Department: Finance	Director: Toni Yost	Contact Person: Elia Lara	Phone Number: (509) 786-2332
Cost of Proposal: \$19,097.18		Account Number: Various	
Amount Budgeted: Various amounts in salaries, wages, and benefits.		Name and Fund# Various	
Reviewed by Finance Department: 			
Attachments to Agenda Packet Item: 1. Payroll Check Register			
Summary Statement: Payroll check nos. 600387 through 600391 in the amount of \$3,604.53 and direct deposits in the amount of \$15,492.65 for the period ending June 15, 2015			
Consistent with or Comparison to: EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
Recommended City Council Action/Suggested Motion: Approve payment payroll check nos. 600387 through 600391 in the amount of \$3,604.53 and direct deposits in the amount of \$15,492.65 for the period ending June 15, 2015			
Reviewed by Department Director: T. Yost Date: 6/9/15	Reviewed by City Attorney: N/A Date:	Approved by Mayor:  Date: 6-19-15	
Today's Date: June 9, 2015	Revision Number/Date:	File Name and Path:	

CHECK REGISTER

City Of Prosser
MCAG #: 0205

06/15/2015 To: 06/15/2015

Time: 14:39:03 Date: 06/09/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo	
3911	06/15/2015	Payroll	1	EFT		138.52	June Draw	
3913	06/15/2015	Payroll	1	EFT		858.95	June Draw	
3914	06/15/2015	Payroll	1	EFT		554.10	June Draw	
3915	06/15/2015	Payroll	1	EFT		1,617.98	June Draw	
3916	06/15/2015	Payroll	1	EFT		642.90	June Draw	
3917	06/15/2015	Payroll	1	EFT		1,098.96	June Draw	
3922	06/15/2015	Payroll	1	EFT		1,699.24	June Draw	
3923	06/15/2015	Payroll	1	EFT		646.45	June Draw	
3924	06/15/2015	Payroll	1	EFT		1,371.50	June Draw	
3925	06/15/2015	Payroll	1	EFT		1,529.32	June Draw	
3926	06/15/2015	Payroll	1	EFT		689.22	June Draw	
3927	06/15/2015	Payroll	1	EFT		1,937.50	June Draw	
3928	06/15/2015	Payroll	1	EFT		1,556.82	June Draw	
3929	06/15/2015	Payroll	1	EFT		1,151.19	June Draw	
3912	06/15/2015	Payroll	1	600387		646.45	June Draw	
3918	06/15/2015	Payroll	1	600388		704.63	June Draw	
3919	06/15/2015	Payroll	1	600389		411.75	June Draw	
3920	06/15/2015	Payroll	1	600390		1,235.25	June Draw	
3921	06/15/2015	Payroll	1	600391		606.45	June Draw	
							11,796.93	
							1,699.24	
							3,665.21	
							1,935.80	
							19,097.18	Payroll:

19,097.18



Signature



Date

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve payment of claim check nos. 12553 through 12661 and 12664 in the amount of \$234,356.76 and Electronic Payments in the amount of \$19,079.85 for the period ending June 23, 2015.

Meeting Date:
June 23, 2015
Regular Meeting

Department:
Finance

Director:
Toni Yost

Contact Person:
Elia Lara

Phone Number:
(509) 786-2332

Cost of Proposal:
\$253,436.61

Account Number:
See Attached

Amount Budgeted:
See 2015 budget for each item listed.

Name and Fund#
See Attached

Reviewed by Finance Department:



Attachments to Agenda Packet Item:

Check Register # 12553 through 12661 and 12664

Summary Statement:

Check Payments	Amount	Check Payments	Amount
12553 through 12661 and 12664	\$234,356.76		
Electronic Payments	Amount		
IRS Federal Taxes	\$4,910.93	America West Bank	\$99.69
Chase	\$708.83	DOR Electronic Paym	\$13,288.40
Wa Dept of Licensing-CPL	\$72.00		

Consistent with or Comparison to:

City's policy to pay bills in a timely manner.

Recommended City Council Action/Suggested Motion:

Approve payment of check nos. 12553 through 12661 and 12664 in the amount of \$234,356.76 and Electronic Payments in the amount of \$19,079.85 for the period ending June 23, 2015.

Reviewed by Department
Director:

Reviewed by City Attorney:

Approved by Mayor:

Date: *6/19/15*

N/A

Paul Wade
Date: *6-19-15*

Today's Date:
June 19, 2015

Revision Number/Date:

File Name and Path:

CHECK REGISTER

City Of Prosser
MCAG #: 0205

06/15/2015 To: 06/15/2015

Time: 15:24:49 Date: 06/09/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3934	06/15/2015	Payroll	1	EFT	Irs Federal Taxes	4,910.93	06/15/2015 Draw Taxes
		001 General Fund				2,479.62	
		149 Public Safety Sales Tax Fund				281.52	
		403 Water Fund				1,071.39	
		407 Sewer Fund				1,078.40	
						<u>4,910.93</u>	Payroll:
							4,910.93

J. Jost

Signature

6/15/15

Date

CHECK REGISTER

City Of Prosser
MCAG #: 0205

06/23/2015 To: 06/23/2015

Time: 15:57:22 Date: 06/23/2015

Page: 1

Trans Date	Type	Acct #	Chk #	Claimant	Amount	Memo
4142	06/23/2015	Claims	1	EFT American West Bank	99.69	Analysis Charges
				001 - 514 23 49 000 - Miscellaneous	99.69	Analysis Charges
4143	06/23/2015	Claims	1	EFT Chase	708.83	UB Credit Card Fees; Non-UB Credit Card Fees
				001 - 514 30 49 000 - Miscellaneous	88.79	Non-UB Credit Card Fees
				403 - 534 80 49 000 - Miscellaneous	145.95	UB Credit Card Fees
				407 - 535 80 49 000 - Miscellaneous	145.95	UB Credit Card Fees
				448 - 537 80 49 000 - Miscellaneous	145.93	UB Credit Card Fees
				403 - 539 20 49 000 - Miscellaneous	145.95	UB Credit Card Fees
				001 - 576 20 49 001 - Miscellaneous	36.26	Non-UB Credit Card Fees
4144	06/23/2015	Claims	1	EFT DOR Electronic Payments	13,288.40	Excise Taxes
				001 - 521 20 44 000 - External Taxes	192.73	Excise Taxes
				403 - 534 80 44 000 - External Taxes	5,663.85	Excise Taxes
				407 - 535 80 44 000 - External Taxes	3,444.63	Excise Taxes
				448 - 537 80 44 000 - External Taxes	3,489.82	Excise Taxes
				001 - 571 22 44 000 - External Taxes	59.60	Excise Taxes
				001 - 576 20 44 001 - External Taxes	437.77	Excise Taxes
4145	06/23/2015	Claims	1	EFT WA Dept Licensing-Cpl	72.00	Concealed Pistol License; Concealed Pistol License
				001 - 586 00 01 000 - Concealed Pistol Lic Disburse	36.00	Concealed Pistol License
				001 - 586 00 01 000 - Concealed Pistol Lic Disburse	36.00	Concealed Pistol License
4146	06/23/2015	Claims	1	12553 ABC Fire Control	288.88	Hood Cleaning - Senior Center
				001 - 569 21 48 000 - Repairs & Maintenance	288.88	Hood Cleaning - Senior Center
4147	06/23/2015	Claims	1	12554 Abadan Inc	858.84	Finance Department Printer Maintenance; Police Department Copier Maintenance; Water Department Printer Maintenance; Annex Copy Machine Maintenance; Front Desk Copy Machine Maintenance; Annex Copy Mach
				001 - 514 23 48 000 - Repairs & Maintenance	16.29	Finance Department Printer Maintenance
				001 - 514 23 48 000 - Repairs & Maintenance	28.41	Police Department Copier Maintenance
				001 - 514 23 48 000 - Repairs & Maintenance	399.40	Annex Copy Machine Maintenance
				001 - 514 23 48 000 - Repairs & Maintenance	75.27	Front Desk Copy Machine Maintenance
				001 - 514 23 48 000 - Repairs & Maintenance	230.93	Annex Copy Machine Maintenance
				403 - 534 80 48 000 - Repairs & Maintenance	43.90	Water Department Printer Maintenance
				403 - 534 80 48 000 - Repairs & Maintenance	2.23	Annex Copy Machine Maintenance
				403 - 534 80 48 000 - Repairs & Maintenance	3.41	Front Desk Copy Machine Maintenance
				403 - 534 80 48 000 - Repairs & Maintenance	3.73	Annex Copy Machine Maintenance
				407 - 535 80 48 000 - Repairs & Maintenance	2.23	Annex Copy Machine Maintenance
				407 - 535 80 48 000 - Repairs & Maintenance	3.41	Front Desk Copy Machine Maintenance
				407 - 535 80 48 000 - Repairs & Maintenance	3.73	Annex Copy Machine Maintenance
				407 - 535 80 48 000 - Repairs & Maintenance	13.44	Waste Water Printer Maintenance
				448 - 537 80 48 000 - Repairs & Maintenance	2.23	Annex Copy Machine Maintenance
				448 - 537 80 48 000 - Repairs & Maintenance	3.41	Front Desk Copy Machine Maintenance
				448 - 537 80 48 000 - Repairs & Maintenance	3.73	Annex Copy Machine Maintenance
				403 - 539 20 48 000 - Repairs & Maintenance	2.23	Annex Copy Machine Maintenance
				403 - 539 20 48 000 - Repairs & Maintenance	3.40	Front Desk Copy Machine Maintenance
				403 - 539 20 48 000 - Repairs & Maintenance	3.73	Annex Copy Machine Maintenance
				102 - 542 90 48 000 - Repairs & Maintenance	0.53	Annex Copy Machine Maintenance
				102 - 542 90 48 000 - Repairs & Maintenance	0.06	Front Desk Copy Machine Maintenance
				102 - 542 90 48 000 - Repairs & Maintenance	0.10	Annex Copy Machine Maintenance
				001 - 571 22 48 001 - Repairs & Maintenance	12.02	Front Desk Copy Machine Maintenance
				001 - 576 20 48 000 - Repairs & Maintenance	1.02	Front Desk Copy Machine Maintenance
4148	06/23/2015	Claims	1	12555 Uriel Araiza	127.00	CDL License - U. Araiza

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			407 - 535 80 49 000 - Miscellaneous			127.00	CDL License - U. Araiza
4149	06/23/2015	Claims	1	12556	Joe & Rachel Ashton	25.00	Swim Team Refund
			001 - 347 30 00 000 - Activity Fees			-25.00	Swim Team Refund
4150	06/23/2015	Claims	1	12557	Autozone	40.63	Duralast Gold Battery; Gold Class Liquid Wax; 34 DLG Duralast Godl Battery
			001 - 521 20 31 000 - Office & Operating Supplies			-130.85	Duralast Gold Battery
			001 - 521 20 31 000 - Office & Operating Supplies			130.85	34 DLG Duralast Godl Battery
			001 - 576 20 31 000 - Office & Operating Supplies			40.63	Gold Class Liquid Wax
4151	06/23/2015	Claims	1	12558	Tim & Susan Bennett	25.00	Swim Team Refund
			001 - 347 30 00 000 - Activity Fees			-25.00	Swim Team Refund
4152	06/23/2015	Claims	1	12559	Benton Co Sheriff	46,423.60	Custody Billing - January 15'; Custody Billing - February 15'; Custody Billing - March 15'; Custody Billing - April 15'; Custody Billing - May 15'; Custody Billing - December 2014
			001 - 523 60 51 000 - Intergov't Professional Servic			5,890.65	Custody Billing - January 15'
			001 - 523 60 51 000 - Intergov't Professional Servic			8,868.96	Custody Billing - February 15'
			001 - 523 60 51 000 - Intergov't Professional Servic			7,272.31	Custody Billing - March 15'
			001 - 523 60 51 000 - Intergov't Professional Servic			10,482.75	Custody Billing - April 15'
			001 - 523 60 51 000 - Intergov't Professional Servic			8,378.95	Custody Billing - May 15'
			001 - 523 60 51 000 - Intergov't Professional Servic			5,529.98	Custody Billing - December 2014
4153	06/23/2015	Claims	1	12560	Benton Co Treas Office	9,804.89	Benton Co. Dist Court & Office Of Public Defence May 15'; Crime Victim Comp
			001 - 512 50 51 000 - Intergov't Professional Servic			9,589.06	Benton Co. Dist Court & Office Of Public Defence May 15'
			001 - 586 00 03 000 - PSEA and CVC Disbursemen			215.83	Crime Victim Comp
4154	06/23/2015	Claims	1	12561	Benton PUD	28,309.45	Electric Bill - WCR; Electric Bill
			001 - 518 31 47 000 - Public Utility Services			863.50	Electric Bill
			403 - 534 80 47 000 - Public Utility Services			13,079.22	Electric Bill
			407 - 535 80 47 000 - Public Utility Services			8,101.49	Electric Bill
			403 - 539 20 47 000 - Public Utility Services			112.53	Electric Bill
			102 - 542 63 47 000 - Public Utility Services			562.64	Electric Bill - WCR
			102 - 542 63 47 000 - Public Utility Services			3,521.05	Electric Bill
			102 - 542 90 47 000 - Public Utility Services			285.51	Electric Bill
			001 - 569 21 47 000 - Public Utility Services			443.32	Electric Bill
			001 - 572 50 47 000 - Public Utility Services			266.47	Electric Bill
			001 - 576 20 47 000 - Public Utility Services			726.82	Electric Bill
			001 - 576 80 47 000 - Public Utility Services			346.90	Electric Bill
4155	06/23/2015	Claims	1	12562	Benton REA	986.21	Water Tower Regular Bill; Regular Bill: CWCR, WCR & Chard & Merlot Dr; Virtual Domain
			001 - 518 88 41 000 - Professional Services			9.95	Virtual Domain
			403 - 534 80 47 000 - Public Utility Services			58.66	Water Tower Regular Bill
			102 - 542 63 47 000 - Public Utility Services			917.60	Regular Bill: CWCR, WCR & Chard & Merlot Dr
4156	06/23/2015	Claims	1	12563	Glen & Alison Bestebreur	25.00	Swim Team Refund
			001 - 347 30 00 000 - Activity Fees			-25.00	Swim Team Refund
4157	06/23/2015	Claims	1	12564	Kasey & Rob Blair	50.00	Swim Lesson Refund
			001 - 347 60 00 000 - Program Fees			-50.00	Swim Lesson Refund

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
4158	06/23/2015	Claims	1	12565	Bleyhl Farm Service Gas	3,097.65	Waste Water Fuel, Bldg Dept & P. Warden Fuel Charges; PW Fuel Charges; PD Fuel Charges
					001 - 511 60 32 000 - Fuel	33.71	P. Warden Fuel Charges
					001 - 521 20 42 000 - Communications	805.71	PD Fuel Charges
					001 - 524 20 32 000 - Fuel Consumed	66.06	Bldg Dept Fuel Charges
					403 - 534 80 32 000 - Fuel Consumed	447.46	PW Fuel Charges
					407 - 535 80 32 000 - Fuel Consumed	402.32	Waste Water Fuel Charges
					403 - 539 20 32 000 - Fuel Consumed	447.46	PW Fuel Charges
					102 - 542 90 32 000 - Fuel Consumed	447.46	PW Fuel Charges
					001 - 576 80 32 000 - Fuel Consumed	447.47	PW Fuel Charges
4159	06/23/2015	Claims	1	12566	Bleyhl Farm Service Inc	204.99	Chevron Meropa Oil
					407 - 535 80 31 000 - Office & Operating Supplies	204.99	Chevron Meropa Oil
4160	06/23/2015	Claims	1	12567	Blumenthal	76.16	Safety Vest - D. Giles
					001 - 521 20 21 000 - Uniforms & Equipment	76.16	Safety Vest - D. Giles
4161	06/23/2015	Claims	1	12568	Holli Brown	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4162	06/23/2015	Claims	1	12569	Christine Bryan	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4163	06/23/2015	Claims	1	12570	Ron Bunnell	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4164	06/23/2015	Claims	1	12571	Amber Burnett	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4165	06/23/2015	Claims	1	12572	CK Home Comfort Systems	162.45	Checked Burn Smell On Roof
					001 - 518 31 48 000 - Repairs & Maintenance	162.45	Checked Burn Smell On Roof
4166	06/23/2015	Claims	1	12573	Angela & Lance Camp	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4167	06/23/2015	Claims	1	12574	Cascade Analytical	93.94	Enviromental Mngmt Fee; KJeldahl Total Nitrogen
					407 - 535 80 41 000 - Professional Services	44.50	Enviromental Mngmt Fee
					407 - 535 80 41 000 - Professional Services	49.44	KJeldahl Total Nitrogen
4168	06/23/2015	Claims	1	12575	Centurylink	2,457.78	Telephone Bill
					001 - 518 31 42 000 - Communications	1,176.71	Telephone Bill
					403 - 534 80 42 000 - Communications	338.25	Telephone Bill
					407 - 535 80 42 000 - Communications	364.35	Telephone Bill
					448 - 537 80 42 000 - Communications	95.73	Telephone Bill
					403 - 539 20 42 000 - Communications	95.73	Telephone Bill
					102 - 542 90 42 000 - Communications	264.73	Telephone Bill
					102 - 543 30 42 102 - Communication	95.73	Telephone Bill
					001 - 576 20 42 000 - Communications	26.55	Telephone Bill
4169	06/23/2015	Claims	1	12576	Lynn Channel	50.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-50.00	Swim Team Refund
4170	06/23/2015	Claims	1	12577	Cook's True Value	273.68	Cord Clip & Adhesive Strip; Black Tape; STL Washer & Short ALU Rivet; Slime Wheelbarrow Tub; Tubing (4); Pliers Set & Fasteners; Fasteners; Wire Rope Clip; White Elong Toilet Seat; (2) Noble; Anti Ba
					001 - 518 31 31 000 - Office & Operating Supplies	5.96	Cord Clip & Adhesive Strip
					403 - 534 80 31 000 - Office & Operating Supplies	15.19	Bow Rake
					403 - 534 80 31 000 - Office & Operating Supplies	16.28	Slime Wheelbarrow Tub

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Time: 15:57:22 Date: 06/23/2015
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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			407 - 535 80 31 000		Office & Operating Supplies	39.74	Pliers Set & Fasteners
			407 - 535 80 31 000		Office & Operating Supplies	19.53	Anti Bacterial Bait Borax Liquid
			407 - 535 80 31 000		Office & Operating Supplies	20.92	Galv Street Elbow, Hose Bibb, Galv Nipple
			407 - 535 80 31 000		Office & Operating Supplies	13.01	Black Tape
			407 - 535 80 31 000		Office & Operating Supplies	14.09	STL Washer & Short ALU Rivet
			403 - 539 20 31 000		Office & Operating Supplies	33.81	Nipple, Bushing, PVC Ball Valve, Tee
			102 - 542 70 31 000		Office & Operating Supplies	0.84	Tubing (4)
			102 - 542 90 31 000		Office & Operating Supplies	19.01	(2) Noble
			001 - 576 20 31 000		Office & Operating Supplies	2.93	Fasteners
			001 - 576 20 31 000		Office & Operating Supplies	3.43	Wire Rope Clip
			001 - 576 20 31 000		Office & Operating Supplies	19.54	White Elong Toilet Seat
			001 - 576 20 31 000		Office & Operating Supplies	48.55	Dual Grill Brush, Lith Battery, Noble
			001 - 576 80 31 000		Office & Operating Supplies	0.85	Tubing (4)
4171	06/23/2015	Claims	1	12578	Jonathan & Rhonda Cox	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4172	06/23/2015	Claims	1	12579	DB Secure Shred	23.38	Destruction Service
			001 - 521 20 41 000		Professional Services	23.38	Destruction Service
4173	06/23/2015	Claims	1	12580	Wright, Leonard & Dawsey, Sunny	50.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-50.00	Swim Team Refund
4174	06/23/2015	Claims	1	12581	Denchel's Ford Country	527.57	Oil Maintenance Work; A/C Maintenance; Break Check Maintenance; Brake Fluid Flush & Fuel Saver; Fuel Saver Maintenance
			001 - 521 20 48 000		Repairs & Maintenance	35.50	Oil Maintenance Work
			001 - 521 20 48 000		Repairs & Maintenance	278.72	A/C Maintenance
			001 - 521 20 48 000		Repairs & Maintenance	35.50	Break Check Maintenance
			001 - 521 20 48 000		Repairs & Maintenance	141.76	Brake Fluid Flush & Fuel Saver
			001 - 521 20 48 000		Repairs & Maintenance	36.09	Fuel Saver Maintenance
4175	06/23/2015	Claims	1	12582	Jill Domanico	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4176	06/23/2015	Claims	1	12583	Morgan Everett	50.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-50.00	Swim Team Refund
4177	06/23/2015	Claims	1	12584	Erin Felicetti	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4178	06/23/2015	Claims	1	12585	Jennetta Fennell	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4179	06/23/2015	Claims	1	12586	Dawn Fitzgerald	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4180	06/23/2015	Claims	1	12587	Lucas Flodin	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4181	06/23/2015	Claims	1	12588	JASON Ford	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4182	06/23/2015	Claims	1	12589	John & Shara Forrister	50.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-50.00	Swim Team Refund
4183	06/23/2015	Claims	1	12590	Galls, An Aramark Co LLC	98.23	Men's Quater Boot
			001 - 521 20 21 000		Uniforms & Equipment	98.23	Men's Quater Boot
4184	06/23/2015	Claims	1	12591	Paul & Kari Giles	50.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-50.00	Swim Team Refund

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4185	06/23/2015	Claims	1	12592	Grafix Shoppe	65.74	Decal "Emergency 911" Driver Side
					001 - 521 20 48 000 - Repairs & Maintenance	65.74	Decal "Emergency 911" Driver Side
4186	06/23/2015	Claims	1	12593	Grainger Inc	533.66	AA & AAA Battery Packs; Hand Dryer; Chain 140 Ft; TEE 1/4 PVC; 90 Degree Elbow Pipe
					001 - 514 23 31 000 - Office & Operating Supplies	65.27	AA & AAA Battery Packs
					001 - 576 20 31 000 - Office & Operating Supplies	13.24	TEE 1/4 PVC
					001 - 576 20 31 000 - Office & Operating Supplies	21.02	90 Degree Elbow Pipe
					001 - 576 80 31 000 - Office & Operating Supplies	183.74	Hand Dryer
					001 - 576 80 31 000 - Office & Operating Supplies	250.39	Chain 140 Ft
4187	06/23/2015	Claims	1	12594	Grandview Lumber Co	167.25	36" Storm Door - Senior Center
					001 - 569 21 31 000 - Office & Operating Supplies	167.25	36" Storm Door - Senior Center
4188	06/23/2015	Claims	1	12595	Hall Chevrolet - Buick Inc	35.45	Impala Electrical Service
					001 - 521 20 48 000 - Repairs & Maintenance	35.45	Impala Electrical Service
4189	06/23/2015	Claims	1	12596	Arlene Hallman	50.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-50.00	Swim Team Refund
4190	06/23/2015	Claims	1	12597	Happy Sloth Screen Printing	81.45	Pool Cashier Shirts
					001 - 576 20 21 000 - Uniforms	81.45	Pool Cashier Shirts
4191	06/23/2015	Claims	1	12598	Rose M Hildebrant	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4192	06/23/2015	Claims	1	12599	Huibregtse, Louman & Assoc	27,774.48	7th Street ADA Sidewalk Ramp Improvements; OIE Highway Improvement; OIE Highway - Phase 2; Water System Plan Update; 15003G Prosser - 2015 General Service
					403 - 534 80 41 000 - Professional Services	999.00	15003G Prosser - 2015 General Service
					407 - 535 80 41 000 - Professional Services	319.50	15003G Prosser - 2015 General Service
					103 - 542 30 41 103 - Professional Service	184.50	15003G Prosser - 2015 General Service
					102 - 542 90 41 000 - Professional Services	900.00	15003G Prosser - 2015 General Service
					001 - 558 60 41 000 - Professional Services	150.00	15003G Prosser - 2015 General Service
					403 - 594 34 41 004 - Capital Professional Services	16,018.50	Water System Plan Update
					303 - 595 10 41 000 - Roads/Streets Const. & Other	704.29	7th Street ADA Sidewalk Ramp Improvements
					302 - 595 10 41 302 - Roads/Streets Const. & Other	3,869.51	OIE Highway Improvement
					304 - 595 10 41 304 - Roads/Streets Const. & Other	4,629.18	OIE Highway - Phase 2
4193	06/23/2015	Claims	1	12600	Gene & Janna Hulse	50.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-50.00	Swim Team Refund
4194	06/23/2015	Claims	1	12601	Darwin & Pamela Huth	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4195	06/23/2015	Claims	1	12602	Internl. Assoc. of Chief of Police	150.00	IACP Membership D. Giles
					001 - 521 20 49 000 - Miscellaneous	150.00	IACP Membership D. Giles
4196	06/23/2015	Claims	1	12603	The Janitor's Closet	814.31	Bathroom Foaming Disinfect; White Towels, Case Of Can Liner
					001 - 576 20 31 000 - Office & Operating Supplies	217.37	Bathroom Foaming Disinfect
					001 - 576 80 31 000 - Office & Operating Supplies	596.94	White Towels, Case Of Can Liner
4197	06/23/2015	Claims	1	12604	Kasey Karthaus	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4198	06/23/2015	Claims	1	12605	Alan & Deborah Kawakami	25.00	Swim Team Refund

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			001 - 347 30 00 000		- Activity Fees	-25.00	Swim Team Refund
4199	06/23/2015	Claims	1	12606	Edward & Cynthia Lane	50.00	Swim Team Refund
			001 - 347 30 00 000		- Activity Fees	-50.00	Swim Team Refund
4200	06/23/2015	Claims	1	12607	Leaf	392.94	Front Desk Copy Machine Lease; Front Desk Copy Machine Lease
			001 - 514 23 45 000		- Operating Rentals & Leases	289.97	Front Desk Copy Machine Lease
			403 - 534 80 45 000		- Operating Rentals & Leases	13.12	Front Desk Copy Machine Lease
			407 - 535 80 45 000		- Operating Rentals & Leases	13.12	Front Desk Copy Machine Lease
			448 - 537 80 45 000		- Operating Rentals & Leases	13.12	Front Desk Copy Machine Lease
			403 - 539 20 45 000		- Operating Rentals & Leases	13.11	Front Desk Copy Machine Lease
			102 - 542 90 45 000		- Operating Rentals & Leases	0.21	Front Desk Copy Machine Lease
			103 - 543 30 45 103		- Rental & Lease	0.04	Front Desk Copy Machine Lease
			001 - 571 22 45 000		- Operating Rentals & Leases	46.32	Front Desk Copy Machine Lease
			001 - 576 20 45 000		- Operating Rentals & Leases	3.93	Front Desk Copy Machine Lease
4201	06/23/2015	Claims	1	12608	LexisNexis Risk Solutions	103.17	Monthly Subscription
			001 - 521 20 41 000		- Professional Services	103.17	Monthly Subscription
4202	06/23/2015	Claims	1	12609	Lockshop, The	112.22	Keys Cutting - PD & PAC; Duplicate Key Storage - PD; Cyl Re-Key Service
			001 - 521 20 31 000		- Office & Operating Supplies	32.37	Keys Cutting - PD
			001 - 521 20 31 000		- Office & Operating Supplies	3.24	Duplicate Key Storage - PD
			001 - 576 20 31 000		- Office & Operating Supplies	19.42	Keys Cutting - PAC
			001 - 576 20 31 000		- Office & Operating Supplies	57.19	Cyl Re-Key Service
4203	06/23/2015	Claims	1	12610	The Markets LLC	67.64	Super Chil Water; 4 Ice Bags, Wet Wipes & Sunblock; (12) Super Chil Water; Lynden Ice Party
			407 - 535 80 31 000		- Office & Operating Supplies	18.60	Super Chil Water
			407 - 535 80 31 000		- Office & Operating Supplies	18.60	(12) Super Chil Water
			001 - 576 20 31 000		- Office & Operating Supplies	24.86	4 Ice Bags, Wet Wipes & Sunblock
			001 - 576 20 31 000		- Office & Operating Supplies	5.58	Lynden Ice Party
4204	06/23/2015	Claims	1	12611	Maribel Martinez	25.00	Swim Team Refund
			001 - 347 30 00 000		- Activity Fees	-25.00	Swim Team Refund
4205	06/23/2015	Claims	1	12612	Jared & Kelli Merrick	50.00	Swim Team Refund
			001 - 347 30 00 000		- Activity Fees	-50.00	Swim Team Refund
4206	06/23/2015	Claims	1	12613	Doug & Judawn Merritt	75.00	Swim Team Refund
			001 - 347 30 00 000		- Activity Fees	-75.00	Swim Team Refund
4207	06/23/2015	Claims	1	12614	Veronica Meza	25.00	Swim Team Refund
			001 - 347 30 00 000		- Activity Fees	-25.00	Swim Team Refund
4208	06/23/2015	Claims	1	12615	Angela Miller	75.00	Swim Team Refund
			001 - 347 30 00 000		- Activity Fees	-75.00	Swim Team Refund
4209	06/23/2015	Claims	1	12616	Cipriano & Heidi Moreno	50.00	Swim Team Refund
			001 - 347 30 00 000		- Activity Fees	-50.00	Swim Team Refund
4210	06/23/2015	Claims	1	12617	Kendall J Murphey	284.54	PDII North West Clerk Institute Training - Meal & Mileage
			001 - 514 30 43 000		- Travel	284.54	PDII North West Clerk Institute Training - Meal & Mileage
4211	06/23/2015	Claims	1	12618	North Central Laboratories	1,599.86	Ammonia 500ml, 3 Way Pipet Bulb, Bod Seed; Orion Green Refillable PH Probe, Ammonia
			407 - 535 80 31 000		- Office & Operating Supplies	750.26	Ammonia 500ml, 3 Way Pipet Bulb, Bod Seed

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			407 - 535 80 31 000		Office & Operating Supplies	849.60	Orion Green Refillable PH Probe, Ammonia
4212	06/23/2015	Claims	1	12619	Michelle O'Brien	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4213	06/23/2015	Claims	1	12620	Office Depot	570.79	Marker & Paper; Desk For Records Office; Name Tags - Front Office; Hole Punch; Keyfolio Pro2 Removable
			001 - 514 23 31 000		Office & Operating Supplies	48.43	Marker & Paper
			001 - 514 23 31 000		Office & Operating Supplies	56.95	Name Tags - Front Office
			001 - 514 23 31 000		Office & Operating Supplies	3.89	Hole Punch
			001 - 518 88 31 000		Office & Operating Supplies	81.44	Keyfolio Pro2 Removable
			001 - 521 20 31 000		Office & Operating Supplies	380.08	Desk For Records Office
4214	06/23/2015	Claims	1	12621	Joe Ohler	50.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-50.00	Swim Team Refund
4215	06/23/2015	Claims	1	12622	Kendra Ott	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4216	06/23/2015	Claims	1	12623	Oxarc	8,615.07	Small Cylinders; Sodium Hypochlorite Bulk & Hydrochloric Acid Gallons; Fire Extinguisher Service & Annual Maintenance; Sulfur Dioxide Ton Container; Sodium Hypochlorite 12.5%; Sodium Hypochlorite Bulk
			403 - 534 80 31 000		Office & Operating Supplies	2,943.06	Sodium Hypochlorite 12.5%
			407 - 535 80 31 000		Office & Operating Supplies	3,011.38	Sulfur Dioxide Ton Container
			407 - 535 80 45 000		Operating Rentals & Leases	50.77	Small Cylinders
			001 - 576 20 31 000		Office & Operating Supplies	1,493.46	Sodium Hypochlorite Bulk & Hydrochloric Acid Gallons
			001 - 576 20 31 000		Office & Operating Supplies	85.79	Fire Extinguisher Service & Annual Maintenance
			001 - 576 20 31 000		Office & Operating Supplies	1,030.61	Sodium Hypochlorite Bulk (330 GL)
4217	06/23/2015	Claims	1	12624	PMH Medical Center	976.00	Lifeguard & Waste Water Guys Drug Screening
			407 - 535 80 41 000		Professional Services	136.00	WW Guys Drug Screening
			001 - 576 20 41 001		Professional Services	840.00	Lifeguard Drug Screening
4218	06/23/2015	Claims	1	12625	Pallis Pool & Patio	1,070.75	Powder Chlorine; Bi-Carbonate, Soda Ash & Stabilizer
			001 - 576 20 31 000		Office & Operating Supplies	716.76	Powder Chlorine
			001 - 576 20 31 000		Office & Operating Supplies	353.99	Bi-Carbonate, Soda Ash & Stabilizer
4219	06/23/2015	Claims	1	12626	Jessica Perez	25.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-25.00	Swim Team Refund
4220	06/23/2015	Claims	1	12627	Scott & Alice Perkins	100.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-100.00	Swim Team Refund
4221	06/23/2015	Claims	1	12628	Richard & Nohelia Peterson	50.00	Swim Team Refund
			001 - 347 30 00 000		Activity Fees	-50.00	Swim Team Refund
4222	06/23/2015	Claims	1	12629	Pitney Bowes Inc	614.41	Postage Meter Equipment Maintenance; Postage Meter Equipment Maintenance; Postage Meter Equipment Maintenance Platform; Postage Meter Equipment Maintenance Platform; Postage Meter Equipment Rental; Po
			001 - 514 23 45 000		Operating Rentals & Leases	114.31	Postage Meter Equipment Rental
			001 - 514 23 48 000		Repairs & Maintenance	274.91	Postage Meter Equipment Maintenance

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			001 - 514 23 48 000		- Repairs & Maintenance	41.92	Postage Meter Equipment Maintenance Platform
			403 - 534 80 45 000		- Operating Rentals & Leases	9.58	Postage Meter Equipment Rental
			403 - 534 80 48 000		- Repairs & Maintenance	23.05	Postage Meter Equipment Maintenance
			403 - 534 80 48 000		- Repairs & Maintenance	3.51	Postage Meter Equipment Maintenance Platform
			407 - 535 80 45 000		- Operating Rentals & Leases	9.58	Postage Meter Equipment Rental
			407 - 535 80 48 000		- Repairs & Maintenance	23.05	Postage Meter Equipment Maintenance
			407 - 535 80 48 000		- Repairs & Maintenance	3.51	Postage Meter Equipment Maintenance Platform
			448 - 537 80 45 000		- Operating Rentals & Leases	9.60	Postage Meter Equipment Rental
			448 - 537 80 48 000		- Repairs & Maintenance	23.05	Postage Meter Equipment Maintenance
			448 - 537 80 48 000		- Repairs & Maintenance	3.53	Postage Meter Equipment Maintenance Platform
			403 - 539 20 45 000		- Operating Rentals & Leases	9.58	Postage Meter Equipment Rental
			403 - 539 20 48 000		- Repairs & Maintenance	23.05	Postage Meter Equipment Maintenance
			403 - 539 20 48 000		- Repairs & Maintenance	3.51	Postage Meter Equipment Maintenance Platform
			102 - 542 90 45 000		- Operating Rentals & Leases	9.58	Postage Meter Equipment Rental
			102 - 542 90 48 000		- Repairs & Maintenance	23.05	Postage Meter Equipment Maintenance
			102 - 542 90 48 000		- Repairs & Maintenance	3.51	Postage Meter Equipment Maintenance Platform
			103 - 543 30 45 103		- Rental & Lease	0.67	Postage Meter Equipment Rental
			102 - 543 30 48 000		- Repairs & Maintenance	1.61	Postage Meter Equipment Maintenance
			102 - 543 30 48 000		- Repairs & Maintenance	0.25	Postage Meter Equipment Maintenance Platform
4223	06/23/2015	Claims	1	12630	Mark & Cecilia Pleake	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4224	06/23/2015	Claims	1	12631	The Print Guys Inc	374.96	Business Cards - K. Martinez, E. Lara, T. Yost; Back Flow Test Reports Sheets
					001 - 514 23 31 000 - Office & Operating Supplies	157.47	Business Cards - K. Martinez, E. Lara, T. Yost
					403 - 534 80 31 000 - Office & Operating Supplies	217.49	Back Flow Test Reports Sheets
4225	06/23/2015	Claims	1	12632	Prosser Economic Development A	3,583.33	Contract For Service, Grant Writer Agreement
					001 - 558 70 41 000 - Professional Services	2,166.66	Contract For Services
					001 - 558 70 41 000 - Professional Services	1,416.67	Grant Writer Agreement
4226	06/23/2015	Claims	1	12633	Prosser Napa	5.08	Fitting & Valve
					403 - 534 80 31 000 - Office & Operating Supplies	5.08	Fitting & Valve
4227	06/23/2015	Claims	1	12634	Prosser, City Of	66,759.29	Waste Water Utility Taxes; Water Utility Tax; Garbage Utility Tax
					403 - 534 80 44 000 - External Taxes	26,111.78	Water Utility Tax
					407 - 535 80 44 000 - External Taxes	37,222.07	Waste Water Utility Taxes
					448 - 537 80 44 000 - External Taxes	3,425.44	Garbage Utility Tax
4228	06/23/2015	Claims	1	12635	Rainwater Water Co	36.00	(6) Waters
					407 - 535 80 31 000 - Office & Operating Supplies	36.00	(6) Waters
4229	06/23/2015	Claims	1	12636	Buddy & Jeannine Russell	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4230	06/23/2015	Claims	1	12637	Arturo & Juana Salinas	25.00	Swim Team Refund
					001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4231	06/23/2015	Claims	1	12638	Rachel M Shaw	40.94	Bi-Pin Meeting - Mileage

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			001 - 514 30 43 000 - Travel			40.94	Bi-Pin Meeting - Mileage
4232	06/23/2015	Claims	1	12639	Shawn Shultz	50.00	Swim Team Refund
			001 - 347 30 00 000 - Activity Fees			-50.00	Swim Team Refund
4233	06/23/2015	Claims	1	12640	Chad & Michele Smith	50.00	Swim Team Refund
			001 - 347 30 00 000 - Activity Fees			-50.00	Swim Team Refund
4234	06/23/2015	Claims	1	12641	Mary Smith	25.00	Swim Team Refund
			001 - 347 30 00 000 - Activity Fees			-25.00	Swim Team Refund
4235	06/23/2015	Claims	1	12642	Joe Stoops	25.00	Swim Team Refund
			001 - 347 30 00 000 - Activity Fees			-25.00	Swim Team Refund
4236	06/23/2015	Claims	1	12643	Surveying Technical Services	2,500.00	Phase I Enviromental Assesment Report Surveying - 1311 Bennett Ave
			148 - 594 21 41 000 - Capital Expenditures/Expense			2,500.00	Phase I Enviromental Assesment Report Surveying - 1311 Bennett Ave
4237	06/23/2015	Claims	1	12644	Swana	200.00	Membership Dues - G. Gustafson
			102 - 542 70 49 000 - Total Other Services & Charg			100.00	Membership Dues - G. Gustafson
			001 - 576 80 49 000 - Miscellaneous			100.00	Membership Dues - G. Gustafson
4238	06/23/2015	Claims	1	12645	Terri & Jered Taylor	25.00	Swim Team Refund
			001 - 347 30 00 000 - Activity Fees			-25.00	Swim Team Refund
4239	06/23/2015	Claims	1	12646	US Bank	28.00	Monthly Charges
			001 - 514 23 49 000 - Miscellaneous			28.00	Monthly Charges
4240	06/23/2015	Claims	1	12647	Utilities Underground Loc	18.06	Excavation Notifications For The Month
			403 - 534 80 41 000 - Professional Services			9.03	Excavation Notifications For The Month
			407 - 535 80 41 000 - Professional Services			9.03	Excavation Notifications For The Month
4241	06/23/2015	Claims	1	12648	Utility Services Associates, LLC	4,128.00	Water Line Leak Detection
			403 - 534 80 48 000 - Repairs & Maintenance			4,128.00	Leak Detection
4242	06/23/2015	Claims	1	12649	Valley Pipe Co	412.25	(20) RB Maxipaw
			001 - 576 80 31 000 - Office & Operating Supplies			412.25	(20) RB Maxipaw
4243	06/23/2015	Claims	1	12650	Valley Publishing Co Inc	364.40	Tri-Fold Poster & Marker; Notice Of Planned Action; Notice Of Findings: Catholic Charities Housing; Ordinance 15-2933 & 15-2934 Published; Notice Of Public Hearing - Catholic Charities
			001 - 514 30 41 000 - Professional Services			156.00	Notice Of Planned Action
			001 - 514 30 41 000 - Professional Services			45.00	Ordinance 15-2933 & 15-2934 Published
			001 - 558 60 41 000 - Professional Services			81.00	Notice Of Findings: Catholic Charities Housing
			001 - 558 60 41 000 - Professional Services			72.00	Notice Of Public Hearing - Catholic Charities
			001 - 576 20 31 000 - Office & Operating Supplies			10.40	Tri-Fold Poster & Marker
4244	06/23/2015	Claims	1	12651	Verizon Wireless	1,320.99	PD Wireless Cell Phone; Police MDT Data Usage; 4G Mobile Broadband; Building Dept. MiFi Card; Pool Internet Usage
			001 - 518 88 42 000 - Communications			40.01	Building Dept. MiFi Card
			001 - 521 20 42 000 - Communications			536.38	PD Wireless Cell Phone
			001 - 521 20 42 000 - Communications			484.46	Police MDT Data Usage
			403 - 534 80 42 000 - Communications			60.02	4G Mobile Broadband
			407 - 535 80 42 000 - Communications			60.01	4G Mobile Broadband
			001 - 576 20 42 000 - Communications			140.11	Pool Internet Usage

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4245	06/23/2015	Claims	1	12652 WA Dept Of Enterprise Services	2,644.84	Utility Statements - May; June Newsletter
				001 - 514 30 41 000 - Professional Services	278.66	June Newsletter
				403 - 534 80 41 000 - Professional Services	545.10	Utility Statements - May
				403 - 534 80 41 000 - Professional Services	37.16	June Newsletter
				407 - 535 80 41 000 - Professional Services	545.10	Utility Statements - May
				407 - 535 80 41 000 - Professional Services	37.16	June Newsletter
				448 - 537 80 41 000 - Professional Services	545.10	Utility Statements - May
				448 - 537 80 41 000 - Professional Services	37.14	June Newsletter
				403 - 539 20 41 000 - Professional Services	545.10	Utility Statements - May
				403 - 539 20 41 000 - Professional Services	37.16	June Newsletter
				102 - 542 90 41 000 - Professional Services	37.16	June Newsletter
4246	06/23/2015	Claims	1	12653 WA Finance Officers Assoc	40.00	DOR/Governmental Taxation Training - E. Lara
				001 - 514 23 49 000 - Miscellaneous	40.00	DOR/Governmental Taxation Training - E. Lara
4247	06/23/2015	Claims	1	12654 WA Patrol Budget & Fiscal Srvc	44.25	Police Background Check
				001 - 586 00 01 000 - Concealed Pistol Lic Disburse	44.25	Police Background Check
4248	06/23/2015	Claims	1	12655 WA State Treasurer	9,898.99	PSEA
				001 - 586 00 03 000 - PSEA and CVC Disbursemen	9,898.99	PSEA
4249	06/23/2015	Claims	1	12656 Water Env Federation	73.50	Waste Water Operator's Manual Guide
				407 - 535 80 49 000 - Miscellaneous	73.50	Waste Water Operator's Manual Guide
4250	06/23/2015	Claims	1	12657 Becky Wildman	25.00	Swim Team Refund
				001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4251	06/23/2015	Claims	1	12658 Brian & Judy Woodworth	45.00	Refund On Pool Pass Cards; Swim Team Refund
				001 - 347 30 00 000 - Activity Fees	-20.00	Refund On Pool Pass Cards
				001 - 347 30 00 000 - Activity Fees	-25.00	Swim Team Refund
4252	06/23/2015	Claims	1	12659 Katie Wyckoff	50.00	Swim Team Refund
				001 - 347 30 00 000 - Activity Fees	-50.00	Swim Team Refund
4253	06/23/2015	Claims	1	12660 Xc2 Software LLC	1,720.95	XC2 Software Maintenance Support
				403 - 534 80 48 000 - Repairs & Maintenance	895.95	XC2 Software Maintenance Support
				403 - 534 80 48 000 - Repairs & Maintenance	825.00	XC2 Software Maintenance Support
4254	06/23/2015	Claims	1	12661 Zee Medical Inc	382.87	Cabinet Metal, Aerosol Cold Spray & Fluid Kit
				001 - 576 20 31 000 - Office & Operating Supplies	382.87	Cabinet Metal, Aerosol Cold Spray & Fluid Kit

340 Charges For Goods & Services	1,870.00
511 Legislative	33.71
512 Judicial	9,589.06
514 Financial, Recording & Elections	2,865.04
518 Centralized Services	2,340.02
521 Law Enforcement	3,514.67
523 Detention/Correction	46,423.60
524 Protective Inspections	66.06
558 Planning & Community Devel	3,886.33
569 Senior Center	899.45
571 Education & Recreation	117.94
572 Libraries	266.47

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City Of Prosser
MCAG #: 0205

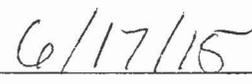
06/23/2015 To: 06/23/2015

Time: 15:57:22 Date: 06/23/2015
Page: 11

Trans Date	Type	Acct #	Chk #	Claimant	Amount	Memo
		576 Park Facilities			9,180.09	
		580 Non Expenditures			10,231.07	
	001 General Fund				<u>91,283.51</u>	
		542 Streets - Maintenance			7,093.04	
		543 Streets Admin & Overhead			97.59	
	102 Street Fund				<u>7,190.63</u>	
		542 Streets - Maintenance			184.50	
		543 Streets Admin & Overhead			0.71	
	103 Transportation Benefit Distric				<u>185.21</u>	
		594 Capital Expenditures			2,500.00	
	148 Criminal Justice Fund				<u>2,500.00</u>	
		594 Capital Expenditures			3,869.51	
	302 OIE Improvement Project Fund				<u>3,869.51</u>	
		594 Capital Expenditures			704.29	
	303 7th Street ADA Sidewalk Ramp Improvement Proje				<u>704.29</u>	
		594 Capital Expenditures			4,629.18	
	304 OIE Highway Improvements - Phase 2 Fund				<u>4,629.18</u>	
		534 Water Utilities			56,644.06	
		539 Irrigation And Reclamation			1,476.35	
		594 Capital Expenditures			16,018.50	
	403 Water Fund				<u>74,138.91</u>	
		535 Sewer			56,201.61	
	407 Sewer Fund				<u>56,201.61</u>	
		537 Garbage & Solid Waste			7,797.83	
	448 Garbage Fund				<u>7,797.83</u>	
					<u>248,500.68</u>	
					Claims:	248,500.68
					* Transaction Has Mixed Revenue And Expense Accounts	248,500.68



 Signature



 Date

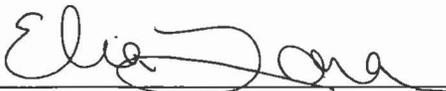
CHECK REGISTER

City Of Prosser
MCAG #: 0205

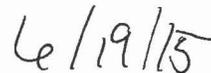
06/23/2015 To: 06/23/2015

Time: 09:30:50 Date: 06/23/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
4296	06/23/2015	Claims	1	12664	Cesar & Maria Godinez	25.00	Swim Team Refund
			001 - 347 30 00 000		- Activity Fees	-25.00	Swim Team Refund
						340 Charges For Goods & Services	25.00
						001 General Fund	25.00
						* Transaction Has Mixed Revenue And Expense Accounts	25.00
							Claims: 25.00



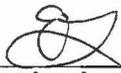
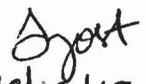
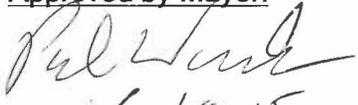
Signature



Date

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Accept Monthly Report by Prosser Economic Development Association for the month of May 2015 and authorize payment for those services in the amount of \$2,166.66 and authorize payment in the amount of \$1,416.67 for Grant Writer Services.		Meeting Date: June 23, 2015 Regular Meeting	
Department: Finance	Director: Toni Yost	Contact Person: Elia Lara	Phone Number: (509) 786-2332
Cost of Proposal: \$3,583.33		Account Number: 001-558-519-70-41	
Amount Budgeted: \$43,000.00		Name and Fund# General Fund - Professional Services	
Reviewed by Finance Department: 			
Attachments to Agenda Packet Item: 1. Invoice Number 2236 for May 2015 contracted service 2. PEDA Monthly Report for April 2015			
Summary Statement: Check has been reviewed and approved by department heads, the Finance Director, and Mayor as necessary. Check no. 12632 has been generated for Council approval.			
Consistent with or Comparison to: City's policy to pay bills in a timely manner.			
Recommended City Council Action/Suggested Motion: Accept Monthly Report by Prosser Economic Development Association for the month of May 2015 and authorize payment for those services in the amount of \$2,166.66 and authorize payment in the amount of \$1,416.67 for Grant Writer Services.			
Reviewed by Department Director:  Date: 6/11/15	Reviewed by City Attorney: N/A Date:	Approved by Mayor:  Date: 6-19-15	
Today's Date: June 17, 2015	Revision Number/Date:	File Name and Path:	

Invoice

PROSSER 2140A Wine Country Road
 Prosser, WA 99350
 ECONOMIC DEVELOPMENT ASSOC.
 THE DIRECTION YOU'LL WANT TO BROW

DATE	INVOICE #
5/31/2015	2236

BILL TO
CITY OF PROSSER 601 7th Street PROSSER WA 99350

DESCRIPTION	AMOUNT
CONTRACT FOR SERVICES - May 2015	2,166.66
GRANT WRITER AGREEMENT - May 2015	1,416.67
<p>SIGNATURE NOT REQUIRED Per City of Prosser Purchasing Policy Sec: 6:1.6:2</p>	
Thank you!	Total \$3,583.33

Prosser Economic Development Association
Board of Directors Meeting Minutes
April 2, 2015

Attendees: Michelle Moyer, Jeff Andrews, Julie Petersen, Christie McAlloon, Dick Poteet, Shon Small, Scott Pontin, Jane Hagarty, Dianne Torres, Deb Heintz, Josh Mott, Rob Siemens, Bill Jenkin and Tyson Jones.

Absent: Brian Newhouse, Bob Stevens, Brian Sollers, Jenny Sparks, Keith Sattler, Marvin Ward, Scott Wingert, Troy Berglund,

Minutes from March 5, 2015 submitted motion to approve by Dick Poteet, seconded by Scott Pontin. Motion approved.

Financial Report submitted for approval, motion to approve by Shon Small, seconded by Dick Poteet, Motion approved.

RECRUITMENT

Project Marketing - Last month it was reported this business expanded by offering two locations; one in the Tri-Cities and the second to open in Prosser. They are now officially open and are leasing office space on the second floor of the Chapman-Lampson building. PixelSoft Films is a media firm used by many in the community and we are excited to have them expand to Prosser.

Project SEIP – This existing business is located outside city limits and would like to open a storefront in the future. Their business model is unique and is agritourism related. Their expansion to a storefront is an extension of their business that they do not offer at this time.

Project Mobile – “Lucy’s Lunchbox” will be opening Easter weekend; located at the corner of Wine Country Rd and Wamba. Prosser EDA has assisted clients as we worked patiently worked through the myriad of hurdles to start this unique business. Obtaining a city special use permit, dealing with county health department regulations and extending infrastructure on the property has culminated in offering a type of gourmet food truck experience for Prosser. Business owner Chris Flodin and daughter, Nicole have had many years experience in running a restaurant and current operate a catering business.

Project Sound – Customer would like to offer a select number of music concerts, starting at a winery with the potential to offer in other locations. Selecting the right mix of music bands/performers and promoting to the appropriate clientele that has an interest in the type of music is challenging. It was suggested to start slowly to build a gathering of music lovers regionally that will attend a concert series.

Project RUOT – There is interest from this Yakima Valley business to expand services to Prosser. Discussed what was being offered in the community to date and suggested connecting with Chamber for further information.

Project Rejoice- This project has been a difficult recruitment effort. Current interest called for an update on the existing building. Client was given the most recent information. They will make contact with Prosser EDA once this information is discussed with business partners.

Strategic Planning – Adoption of the Ten Year Strategic Plan was presented for vote of approval, motion to approve by Dick Poteet, seconded by Jane Hagarty, motion approved. The One Year Business Plan was moved for approval by Bill Jenkin. Seconded by Jane Hagarty, motion approved. A special thank you to Michelle Moyer for her assistance on the plans.

Cyber Security Workshop – Turnout was low for the workshop; approximately 15-20 attended. The speakers provided informative tips, tools, and what was currently happening in the world of cyber security. Good presentation for business owners or IT employees to attend.

Annual Meeting Speaker – The organization committee met to plan the annual meeting. The date has been set for April 16th, beginning at 5:30 with social time followed by a short program at 6pm. Mike Schwenk, Chair of Association of Washington Business has agreed to be our keynote speaker. Mr. Schwenk's topic "Critical Issues Facing Washington Businesses" will talk about the legislative session underway in Olympia, trends affecting the state's business climate, and Opportunity Washington, a new initiative to deliver solutions to some of this state's most pressing problems.

HDPA Economic Restructuring Committee – The committee talked with Professor Dohr, from Eastern Washington University, regarding an internship position to assist with implementing a downtown visioning process. After a successful conversation, Professor Dohr and Deanah Watson (potential intern) visited Prosser, toured the downtown core and discussed contract terms for the internship. Nick Vann, an architect for the Dept. of Archeology and Historic Preservation was hosted to a day of activities including a downtown tour and discussion of the certified local government program for listing historic buildings.

Signage Committee – A few members from the disbanded committee requested help with calling a meeting to discuss phase II. The committee met, was well attended, and interested in a few additional signs as the original 6, as well as discussion regarding follow-through signage. First on the agenda will be to invite WSDOT to Prosser to discuss the Exit 82 area for signage. Steve Zetz will make contact to request a meeting date.

Prosser Leadership – On March 18, the community non-profits presented to the Class of 2015. Prosser EDA scheduled a tour and provided a lay of the land at the Vista, historical perspective of economic development, as well as touring current construction.

Rotary District Conference- Dianne Torres and Deb were asked to attend a Rotary District planning meeting. Because Bill Jenkin will become the District Governor in 2017-18, the district conference will be held in Prosser. Approximately 250-350 people will attend this 3 day event. Since this is a large event, planning begins 18 - 24 months prior to the event.

YVCC Advisory Board- There were over 10 scholarship applications. Applications were sent out to the board for study and review. Provided scoring sheet for scholarship picks. Several course curriculum were up for review and spent time evaluating criteria.

Newhouse Open House – U.S. House Representative, Dan Newhouse held an open house in his Richland office on March 31. Prosser EDA attended and got the opportunity to meet the district representative for our area, Josh Lazano. Josh will be scheduling a time and date to come tour and talk about concerns and issues.

Josh Mott mentioned the Housing Committee will be meeting on April 8th at 4:30 pm at the Clore Center.

Jane Hagarty stated the Port Commissioners met Wednesday, April 1st. Discussions included the Prosser Airport resurfacing bids are coming in. Abby Cameron presented updated numbers for the Clore Center which were continually over the projected business plan. The Port is still trying to market the Vintners Village

Bill Jenkin clarified that the two tasting rooms downtown are totally separate entities offering different wines. The Bacchus offers Prosser Vineyard Wines along with a select few wines and Bill's will be serving blended wines under the Bills label. Bills will be open in May 2015.

Josh Mott said the elevator will actual work now and that tourism is up.

Michelle Mott claimed the major construction on the viticulture and bio chambers is nearly complete.

Jeff Andrews declared this will be a rough year for growers with the long frost season.

Julie Petersen explained the Benton Franklin Health Alliance have put together a significant amount of data for review covering numerous information on facts and figures in the health field.

Christie McAlloon from Benton PUD explained the Community Solar Project and the benefits of participating in the program. Only Benton PUD customers can apply and selection will be made by random drawings. Only 40 units per customer is allowed with a total of 1500 units available in phase one, with expectations to have another 1500 units available in the next phase. Cost per unit is \$250 however you will receive \$1.08 per kilowatt hour from the Washington State production incentive until June of 2020. Benton PUD has reviewed their current rate structure and will change to only one rate schedule in September of 2015 with the base fee going up in September as well. The monthly fee will be based on peak demand with the rates having the potential to go up or down each month.

Dick Poteet stated Historic Downtown Prosser has given out two façade improvement grants last month one to Café Villa and the other one to Bills.

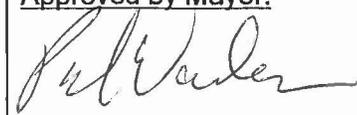
Tyson Jones said the juice side is chugging along on track despite the low snow pack and early spring weather.

Next meeting on May 7, 2015

Motion to adjourn by Jane Hagarty, seconded by Scott Pontin - meeting adjourned.

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Consideration of a Special Event Application for the Sacred Heart Parish Latin Diversity Festival, August 9, 2015, at the Prosser City Park.		Meeting Date: June 23, 2015 Regular Meeting	
Department: Public Works	Director: L.J. Da Corsi	Contact Person: L.J. Da Corsi	Phone Number: (509) 786-2332
Cost of Proposal: N/A		Account Number:	
Amount Budgeted: N/A		Name and Fund#	
Reviewed by Finance Department: DS			
Attachments to Agenda Packet Item:			
1. Special Event Application submitted by Sacred Heart Parish			
Summary Statement:			
<p>The annual Sacred Heart Parish Latin Diversity Festival organizers have applied for permission to use the Prosser City Park for their event again this year, to be held August 9, 2015, however set up for the event will begin on the evening of August 8, 2015. This event may draw more than 800 people. Therefore, the application is brought before the City Council for approval.</p> <p>Staff has discussed the issue of noise during this event and the use of the City's decibel meters by the Police should a complaint arise. The first and second years of the festival did generate noise complaints and these were addressed with event organizers. Since that time, the festival has continued without incident each year.</p>			
Consistent with or Comparison to:			
EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
Recommended City Council Action/Suggested Motion:			
Approve the Special Event Application for the Sacred Heart Parish Latin Festival, August 9, 2015, at the Prosser City Park.			
Reviewed by Department Director: Not Available -	Reviewed by City Attorney: 	Approved by Mayor: 	
Date:	Date: 6/18/15	Date: 6-18-15	



CITY OF PROSSER, WA

601 7th Street, Prosser, Washington 99350
(509)786-2332 • Fax (509)786-3717

Special Event Permit Fee:

\$250.00

Additional costs may be incurred, depending on the additional services that your event requires.

SPECIAL EVENT APPLICATION ALLOW 30 DAYS TO PROCESS

APPLICANT INFORMATION

Name: SACRED HEART PARISH Contact Number: 509-786-1783
 E-mail: _____ Alternate Number: 509-840-0398
 Address: 1905 Highland Drive City: PROSSER State: WA Zip: 99350

EVENT(S) INFORMATION

1. Event Name: SACRED HEART PARISH FESTIVAL
 Location of Event: CITY PARK Date(s) of Event: August 8 & 9, 2015
 Expected No. of Attendees: @800 Responsible Person: JUANITA LOPEZ Phone #: 509-840-0398
 Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN <u>08/09</u>	MON <u>/</u>	TUE <u>/</u>	WED <u>/</u>	THU <u>/</u>	FRI <u>/</u>	SAT <u>08/08</u>
<u>06:00 am - 8:00pm</u>						<u>12:00pm - 9:00pm</u>

Describe your event and the activities that will take place: PARISH FESTIVAL TO INCLUDE, ENTERTAINMENT, MUSIC, TALENT SHOWS, PONY RIDES, FOOD BOOTHS, BOUNCY HOUSES.

2. Event Name: _____
 Location of Event: _____ Date(s) of Event: _____
 Expected No. of Attendees: _____ Responsible Person: _____ Phone #: _____
 Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN <u>/</u>	MON <u>/</u>	TUE <u>/</u>	WED <u>/</u>	THU <u>/</u>	FRI <u>/</u>	SAT <u>/</u>

Describe your event and the activities that will take place: _____

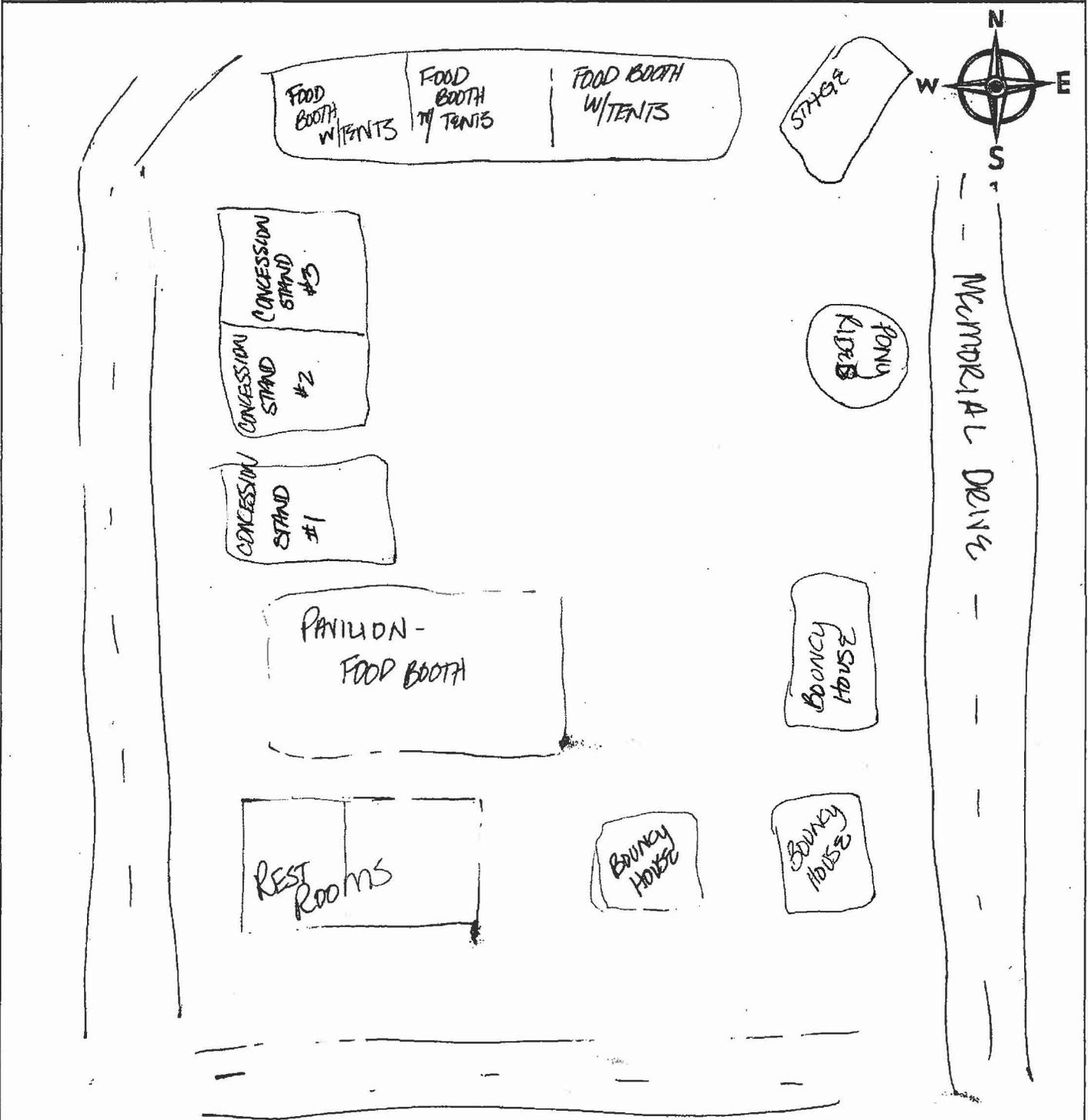
If you have more than 2 events, please copy and reuse this page.

SPECIAL REQUESTS (Check all that apply)

- Trash Cans Traffic Control Street Sweeping Barricades Power Parking
 Fire Police OTHER: _____

SITE MAP

Please use the box below to draw a map showing street closures, parking, restrooms, and vendor/activity locations.



ADDITIONAL INFORMATION (Please Read Carefully)

1. Will alcohol be served, displayed, or consumed at this event? <i>If you answered YES please attach a copy of the liquor license.</i>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
2. Will there be amplified sound or music at this event?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
3. Will your event require street closures? <i>If you answered YES, please attach a list of the streets.</i>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

CITY REQUIREMENTS

You must have the following before approval for your event can be considered:

- \$1,000,000 Certificate of Insurance listing the City of Prosser as an additional insured, if your event is taking place on City property. The original certificate must be filed with the City Clerk and a copy attached to this application prior to permit being issued.
- A copy of the permit obtained for the sale of food, beverages, or alcohol (if applicable).
- A letter from property owners authorizing the use of private property for your event (if applicable).

I, the undersigned, do hereby certify that, to the best of my knowledge, the information on this application and other submitted information is true and correct. In addition, I understand that the City's acceptance of this application and any fees does not constitute submittal of a valid application or guarantee approval of my request. I further understand that I am responsible for cleaning up after the event and that Prosser Municipal Code (PMC) ~~21.04.040~~ states: By signing the application for a permit pursuant to Section ~~21.04.040~~, the signer personally guarantees that all garbage, trash, litter, debris, or other material or substance deposited or left in the park by any person attending the event for which the permit was issued is cleaned up and that the park is restored to its condition immediately preceding the permitted event. Any person found to be in violation of this section shall be deemed to have committed a civil infraction and shall be subject to a civil penalty of two hundred fifty dollars.

(Handwritten signature)
03.30.050

(Handwritten Signature) 02/27/15 _____
Applicant Signature Date Property Owner's Signature (if applicable) Date

OFFICE USE ONLY:

Approved Denied

By: _____ Date: _____

Reason for Application Denial: _____

Receipt #: 8642 Date: 3/31/15 *(VP)* Check #: 13617

NOTE: This form is subject to public disclosure.
This institution is an equal opportunity provider, and employer.

Revised April 4, 2013

Receipt: 8642 03/03/2015
Acct #: 15392 COPY
City Of Prosser
601 7th Street
Prosser, WA 99350
(509) 786-2332

Sacred Heart Parish
205 Avenue E
Grandview, WA 98930

Treasurer's Receipts

Parks - Special Event	250.00
Non Taxed Amt:	<u>250.00</u>
Total:	250.00
Chk: 15617	<u>250.00</u>
Ttl Tendered:	250.00
Change:	0.00

Issued By: Veronica
03/03/2015 12:24:59

Thank you for your payment and have a
great day!

Please call with questions:
(509) 786-2332

Certificate of Coverage

Date: 3/20/2014

Certificate Holder
 Corporation of the Roman Catholic Bishop of Yakima
 Chancery Office
 5301A Tieton Drive
 Yakima, WA 98908

Covered Location
 Sacred Heart Church
 1905 Highland Drive
 Prosser, WA 99350

This Certificate is issued as a matter of information only and confers no rights upon the holder of this certificate. This certificate does not amend, extend or alter the coverage afforded below.

Company Affording Coverage
 THE CATHOLIC MUTUAL RELIEF
 SOCIETY OF AMERICA
 10843 OLD MILL RD
 OMAHA, NE 68154

Coverages:

This is to certify that the coverages listed below have been issued to the certificate holder named above for the certificate indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded described herein is subject to all the terms, exclusions and conditions of such coverage. Limits shown may have been reduced by paid claims.

Type of Coverage	Certificate Number	Coverage Effective Date	Coverage Expiration Date	Limits
Property				Real & Personal Property
D. General Liability <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Claims Made	8509	5/15/2014	5/15/2015	Each Occurrence
				General Aggregate
				Products-Comp/OP Agg
				Personal & Adv Injury
				Fire Damage (Any one fire)
				Med Exp (Any one person)
Excess Liability				Each Occurrence
				Annual Aggregate
Other				Each Occurrence
				Claims Made
				Annual Aggregate
				Limit/Coverage

Description of Operations/Locations/Vehicles/Special Items (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language)

Coverage is verified for claims arising out of Sacred Heart Catholic Church's use of Prosser School District's parking lot across from the City Park for a festival August 9-10, 2014.

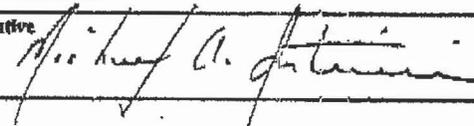
Holder of Certificate:

Prosser School District
 1126 Meade Ave Ste. A
 Prosser, WA 99350

Cancellation:

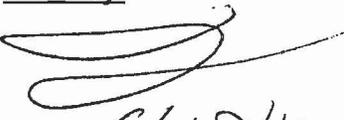
Should any of the above described coverages be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the holder of certificate named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Authorized Representative



0166001291

CITY OF PROSSER, WASHINGTON
AGENDA BILL

Agenda Title: Review and confirm the appointment of Allen Bierlink to the Board of Adjustment as appointed by Mayor Warden.		Meeting Date: June 23, 2015 Regular Meeting	
Department: City Clerk	Director: Rachel Shaw	Contact Person: Rachel Shaw	Phone Number: (509) 786-8218
Cost of Proposal: n/a		Account Number: n/a	
Amount Budgeted: n/a		Name and Fund# n/a	
Reviewed by Finance Department: <p align="center"><i>Tog</i></p>			
Attachments to Agenda Packet Item: 1. City of Prosser Boards, Commissions, and Committee Appointment Listing			
Summary Statement: With the recently vacated position on the Board of Adjustment, it is necessary to appoint a replacement member to the Board. Mayor Warden has appointed Allen Bierlink with a term set to expire January 1, 2016.			
Consistent with or Comparison to: EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
Recommended City Council Action/Suggested Motion: Review and confirm the appointment of Allen Bierlink to the Board of Adjustment as appointed by Mayor Warden.			
Reviewed by Department Director: <i>Rachel Shaw</i> Date: 6/18/2015	Reviewed by City Attorney:  Date: 6/18/15	Approved by Mayor: <i>Paul Warden</i> Date: 6-19-15	

City of Prosser
Boards, Commissions and Committees

Name	Committee	Length of Term	Day/Time	Meeting Location	Meeting Location Address	Beginning of Current Term	Term Expiration	Date of Appointment or Reappointment
Steve Becken	Ben Franklin Transit Board	2 year term	2nd Thursday, 7:00 pm	Three Rivers Transit	7109 W Okanogan Pl.	1/1/2015	1/1/2016	12/9/2014
Randy Taylor (Alternate)	Ben Franklin Transit Board	2 year term	2nd Thursday, 7:00 pm	Three Rivers Transit	7109 W Okanogan Pl.	1/1/2015	1/1/2016	12/9/2014
Paul Parish	Benton County Clean Air Authority Board (County appoints)	4 year term	4th Thursday, 5:30 pm	Board Room	526 South Clodfelter Road Kennewick	1/1/2015	1/1/2019	1/1/2015
Paul Warden	Benton County Law & Justice Committee		2nd Tuesday, 12:00 pm	BC Sheriff's Office	7320 W. Quinault	1/1/2008	upon resignation	1/8/2008
Thomas Groom	Benton County Mosquito Control Board	2 year term	4th Monday, 7:00 pm	BCM CB Office	4951 W. Van Giesen	1/1/2013	12/31/2014	12/9/2014
Steve Becken	Benton Franklin Community Action Council		4th Thursday, 5:30 pm	BF Action Office	720 W Court St, Pasco	1/8/2008	upon resignation	1/8/2008
Randy Taylor	Benton Franklin Council of Governments		3rd Friday, 11:30 am	BFCoG Office	1622 Terminal Drive	1/8/2008	upon resignation	1/8/2008
Paul Warden (Alternate)	Benton Franklin Council of Governments		3rd Friday, 11:30 am	BFCoG Office	1622 Terminal Drive	1/1/2008	upon resignation	1/3/2008
Bob Elder	Benton Franklin Solid Waste Advisory Council	1 year term	Quarterly, 6 p.m.	WSU Ext, County Annex	5600 E W Canal Dr, Kennewick	1/1/2015	1/1/2016	12/9/2014
Tammy McKeiman	Board of Adjustment	3 year term	1st Thursday, 6:00 pm	City Hall	601 7th St. Prosser	5/8/2012	1/1/2017	1/14/2014
Mike Kelley	Board of Adjustment	3 year term	1st Thursday, 6:00 pm	City Hall	601 7th St. Prosser	1/1/2011	1/1/2017	1/14/2014
Bill Riley	Board of Adjustment	3 year term	1st Thursday, 6:00 pm	City Hall	601 7th St. Prosser	1/1/2012	1/1/2015	2/14/2012
Idalia Aguilar	Board of Adjustment	3 year term	1st Thursday, 6:00 pm	City Hall	601 7th St. Prosser	1/1/2012	1/1/2015	8/27/2012
Allen Bierlink	Board of Adjustment	3 year term	1st Thursday, 6:00 pm	City Hall	601 7th St. Prosser	1/1/2013	1/1/2016	6/23/2015
Reuel Paradis	Board of Adjustment	3 year term	1st Thursday, 6:00 pm	City Hall	601 7th St. Prosser	1/1/2013	1/1/2016	2/24/2015
Dan Baldwin	Board of Adjustment	3 year term	1st Thursday, 6:00 pm	City Hall	601 7th St. Prosser	1/1/2013	1/1/2016	6/22/2010
TBD	Board of Health		4th Thursday, 7:00 pm	BFHD Office	412 W Clark St., Pasco			
Marvin Ward	Budget & Finance Committee		2nd & 4th Tuesday, 5:30pm	City Hall	601 7th St. Prosser	1/1/2014		5/6/2014
Randy Taylor	Budget & Finance Committee		2nd & 4th Tuesday, 5:30pm	City Hall	601 7th St. Prosser	1/1/2013		1/8/2008
Steve Becken	Budget & Finance Committee		2nd & 4th Tuesday, 5:30pm	City Hall	601 7th St. Prosser	1/1/2013		1/8/2008
Don Aubrey	Chamber Board		2nd Friday, 7am	Chamber Conference Room	1230 Bennett Prosser	1/1/2015	12/31/2015	12/9/2014
Wyatt Cone	Civil Service Commission	6 year term	2nd Thursday, 10:30 am	City Hall	601 7th St. Prosser	1/1/2012	12/31/2015	3/13/2012
Dan Baldwin	Civil Service Commission	6 year term	2nd Thursday, 10:30 am	City Hall	601 7th St. Prosser	1/1/2012	12/31/2016	1/8/2013
Glenda Schmidt	Civil Service Commission	6 year term	2nd Thursday, 10:30 am	City Hall	601 7th St. Prosser	1/1/2012	12/31/2017	3/13/2012
Morgan Everett	Council Policy and Procedures Committee		As Needed	City Hall	601 7th St. Prosser	1/1/2008		
Randy Taylor	Council Policy and Procedures Committee		As Needed	City Hall	601 7th St. Prosser	1/1/2008		
TBD	Council Policy and Procedures Committee		As Needed	City Hall	601 7th St. Prosser	1/1/2008		
TBD	County Seat Task Force Committee		As Needed					
TBD	County Seat Task Force Committee		As Needed					
TBD	Depot, Inc.		As Needed					
TBD	Downtown Revitalization Committee		3rd Monday, noon	Depot Conference Room	1230 Bennett, Prosser			
Steve Becken	Farmer's Market Liason		4th Monday, 7:00 pm			1/8/2008		1/8/2008
TBD	Flood Hazard Management Citizens Advisory Committee		As Needed					

City of Prosser
Boards, Commissions and Committees

Name	Committee	Length of Term	Day/Time	Meeting Location	Meeting Location Address	Beginning of Current Term	Term Expiration	Date of Appointment or Reappointment
Paul Warden	Good Roads Committee		3rd Wednesday, 6:00 pm	Location varies		1/8/2008		7/22/2014
Don Aubrey (Alternate)	Good Roads Committee		3rd Wednesday, 6:00 pm	Location varies		7/22/2014		7/22/2014
TBD	Benton Franklin Housing Continuum of Care		2nd Wednesday, 3:30 pm	BF Action Office	720 W Court St, Pasco			
TBD	Hotel/Motel Local Tax Advisory Committee/TPA	1 year term	As Needed	City Hall	601 7th St. Prosser	1/1/2015	12/31/2015	12/9/2014
Fred Lamb	Hotel/Motel Local Tax Advisory Committee/TPA	1 year term	As Needed	City Hall	601 7th St. Prosser	1/1/2015	12/31/2015	12/9/2014
Tom Denlea	Hotel/Motel Local Tax Advisory Committee/TPA	1 year term	As Needed	City Hall	601 7th St. Prosser	1/1/2015	12/31/2015	12/9/2014
Marilyn Dalstra	Hotel/Motel Local Tax Advisory Committee/TPA	1 year term	As Needed	City Hall	601 7th St. Prosser	1/1/2015	12/31/2015	12/9/2014
Morgan Everett	Hotel/Motel Local Tax Advisory Committee/TPA	1 year term	As Needed	City Hall	601 7th St. Prosser	1/1/2015	12/31/2015	12/9/2014
Rob Steelman	Hotel/Motel Local Tax Advisory Committee/TPA	1 year term	As Needed	City Hall	601 7th St. Prosser	1/1/2015	12/31/2015	12/9/2014
Robin Siemens	Hotel/Motel Local Tax Advisory Committee/TPA	1 year term	As Needed	City Hall	601 7th St. Prosser	1/1/2015	12/31/2015	12/9/2014
Bob Elder	LEOFF Board	2 year term	1st Wednesday, 2:00 pm	County Commissioner's	620 Market, Prosser	1/1/2014	12/31/2016	1/28/2014
TBD	MidColumbia Library Board (County appoints)	7 years	3rd Monday, 7:00 pm	MidColumbia Library -	405 S. Dayton, Kennewick,			
Marvin Ward	PEDA		1st Thursday, 5:30 pm	Depot Conference Room	1230 Bennett	1/1/2014	12/31/2014	12/9/2014
Paul Warden (Alternate)	PEDA		1st Thursday, 5:30 pm	Depot Conference Room	1230 Bennett	1/1/2014	12/31/2014	12/9/2014
Glenda Schmidt, Chair	Planning Commission Position No. 1	3 year term	3rd Thursday, 6:00 pm	City Hall	601 7th St. Prosser	6/30/2014	6/30/2017	6/10/2014
Trevor Day	Planning Commission Position No. 2	3 year term	3rd Thursday, 6:00 pm	City Hall	601 7th St. Prosser	6/26/2012	6/30/2015	11/26/2013
Robin Siemens	Planning Commission Position No. 3	3 year term	3rd Thursday, 6:00 pm	City Hall	601 7th St. Prosser	6/30/2013	6/30/2016	5/6/2013
Dorothy Evans	Planning Commission Position No. 4	3 year term	3rd Thursday, 6:00 pm	City Hall	601 7th St. Prosser	6/26/2012	6/30/2015	6/26/2012
Jeremy Lynn	Planning Commission Position No. 5	3 year term	3rd Thursday, 6:00 pm	City Hall	601 7th St. Prosser	6/30/2013	6/30/2016	7/9/2013
Jay Boyle	Planning Commission Position No. 6	3 year term	3rd Thursday, 6:00 pm	City Hall	601 7th St. Prosser	6/30/2013	6/30/2016	12/9/2014
Devina Riojas	Planning Commission Position No. 7	3 year term	3rd Thursday, 6:00 pm	City Hall	601 7th St. Prosser	6/30/2014	6/30/2017	6/10/2014
Bob Elder	Regional Fire Authority Board			Fire Department		1/10/2012		1/1/2012
Morgan Everett	Regional Fire Authority Board			Fire Department		3/24/2009		3/24/2009
Randy Taylor	Regional Fire Authority Board			Fire Department				
Randy Taylor	RTPO (Regional Transportation)		2nd Thursday, 7:00 am	Location varies				
Paul Warden (Alternate)	RTPO (Regional Transportation)		2nd Thursday, 7:00 am	Location varies				
TBD	School District Facilities Committee		As Needed					
Paul Warden	Sign Committee		As Needed			1/8/2008		1/8/2008
Marvin Ward	Yakima Sub-Basin Recovery Board	1 year term	Quarterly, 2 p.m.	1110 West Lincoln Ave. Yakima	1110 West Lincoln Ave. Yakima	1/1/2015	12/31/2015	5/5/2015
Steve Zetz	Benton and Franklin Counties Steering Committee		Annually	Dept of Human Services	7207 West Deschutes Ave Kennewick			

Last Modified: 6/12/2015

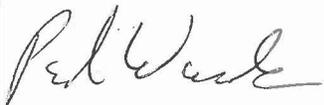
CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve Progress Bill No. 6 in the amount of \$704.29 for work performed by HLA, Inc., through May 31, 2015, for preliminary engineering and design on the 7 th Street ADA Sidewalk Ramp Improvements Project and authorize the Mayor to sign the documents.		Meeting Date: June 23, 2015 Regular Meeting	
Department: Public Works	Director: L.J. Da Corsi	Contact Person: L.J. Da Corsi	Phone Number: (509) 786-2332
Cost of Proposal: \$15,600.00 (Total) 704.29 (Bill No. 6)			Account Number:
Amount Budgeted: N/A \$15,600			Name and Fund#
\$13,522 (TAP Funds from STP-US) 2,078 (City Match)			#303
Reviewed by Finance Department: 			
Attachments to Agenda Packet Item:			
<ol style="list-style-type: none"> 1. Local Programs Progress Billing Form - TAP-1020(013) Progress Bill No. 6 2. HLA Invoice 14087E-005 from HLA, Inc., in the amount of \$704.29, dated 06/01/2015 3. Project Costs To Date Sheet, dated 6/11/2015 			
Summary Statement:			
HLA, Inc., has performed work in connection with their contract for preliminary engineering and design of the 7 th Street ADA Sidewalk Ramp Improvements Project. The amount due, \$704.29, must have Council approval prior to this invoice being sent to WSDOT for processing and subsequent payment to HLA, Inc.			
Consistent with or Comparison to:			
Payment as per contractual agreements require City Council approval.			

Recommended City Council Action/Suggested Motion:

Approve Progress Bill No. 6 in the amount of \$704.29 for work performed by HLA, Inc., through May 31, 2015, for preliminary engineering and design on the 7th Street ADA Sidewalk Ramp Improvements Project and authorize the Mayor to sign the documents.

<u>Reviewed by Department Director:</u> <i>Not Available-</i>	<u>Reviewed by City Attorney:</u> 	<u>Approved by Mayor:</u> 
<u>Date:</u>	<u>Date:</u> <i>6/18/15</i>	<u>Date:</u> <i>6-19-15</i>
<u>Today's Date:</u> 06/15/15	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>

City of Prosser
 601 7th Street
 Prosser, WA 99350
 Federal Tax ID No.: 91-6001268
 Agency Use:

Local Programs Progress Billing

Federal Aid or State Project: TAP-1020(013)
 Agreement Number: LA-8501
 Last Supplement :
 Project Title: 7th St ADA Sidewalk Ramp Improvements
 Project End Date:

Progress Bill No: 6
 Final Progress Bill? NO
 Billing Period from: 5/1/2015
 through: 5/31/2015
 CN Award Date:

	1	2	3	4	5	6	7	8
	Total Eligible This Period	Total Eligible To Date	Participation Rate	Amount Claimed This Period <i>Col 1 x Col 3</i>	Amount Claimed Prior Periods	Total Claimed To Date <i>Col 4 + Col 5</i>	Amount Authorized Per Agreement	Remaining Federal/State Funds <i>Col 7 - Col 6</i>
PE								
Agency Consultant				0.00		0.00		0.00
<i>Total Preliminary Engineering e</i>	704.29	6,635.05	86.5000%	609.21	5,130.11	5,739.32	13,522.00	7,782.68
	704.29	6,635.05		609.21	5,130.11	5,739.32	13,522.00	7,782.68
RW								
Agency Consultant				0.00		0.00		0.00
<i>Total Right of Way</i>	0.00	0.00		0.00	0.00	0.00	0.00	0.00
	0.00	0.00		0.00	0.00	0.00	0.00	0.00
CN								
Contract				0.00		0.00		0.00
				0.00		0.00		0.00
				0.00		0.00		0.00
				0.00		0.00		0.00
CE								
Agency Consultant				0.00		0.00		0.00
<i>Total Construction q</i>	0.00	0.00		0.00	0.00	0.00	0.00	0.00
	0.00	0.00		0.00	0.00	0.00	0.00	0.00
TOTAL PROJECT r	704.29	6,635.05		609.21	5,130.11	5,739.32	13,522.00	7,782.68

Submission of this request for payment certifies that in accordance with the laws of the State of Washington and under the conditions of approval for the project identified above, actual costs claimed have been incurred and are eligible for the purposes specified; also, that no other claims have been presented to, or payment made by, the State of Washington for those costs claimed for reimbursement.

Submit to HQ Local Programs

hqlpbillings@wsdot.wa.gov

WSDOT Local Programs
 PO BOX 47390
 Olympia, WA 98504-7390

 Signee - Paul Warden

 Mayor
 Title

 Date



Huibregtse, Louman Associates, Inc.
 2803 River Road
 Yakima, WA 98902
 509-966-7000

City of Prosser
 601 Seventh St.
 Prosser, WA 99350

Invoice number 14087E-006
 Date 06/01/2015

Project 14087E Prosser - 7th Street ADA
 Sidewalk Ramp Improvements

Payment is Due within 30 Days of the Date of this Invoice.

FOR:

Professional Engineering Services in connection with the 7th Street ADA Sidewalk Ramp Improvements project, per your request, for services performed May 1 through May 31, 2015.

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
Design, Plans, Specifications and Estimate	15,600.00	42.53	5,930.76	6,635.05	704.29
Total	15,600.00	42.53	5,930.76	6,635.05	704.29

Invoice total 704.29

HUIBREGTSE, LOUMAN ASSOCIATES, INC.

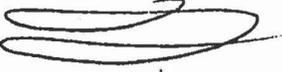
Michael T. Battle, PE
 Vice President

CITY OF PROSSER, WASHINGTON
AGENDA BILL

<p>Agenda Title: Approve Progress Bill No. 13 in the amount of \$3,869.51 for work performed by HLA, Inc., through May 31, 2015, for preliminary engineering and design on the Old Inland Empire Highway Improvements Project and authorize the Mayor to sign the documents.</p>		<p>Meeting Date: June 23, 2015 Regular Meeting</p>	
Department:	Director:	Contact Person:	Phone Number:
Public Works	L.J. Da Corsi	L.J. Da Corsi	(509) 786-2332
<p>Cost of Proposal: \$284,700.00 (Total) 3,869.51 (Bill No. 13)</p> <p>Amount Budgeted: N/A \$285,700</p> <p>\$247,000 (STPUS) 38,567 (Local Match)</p>			<p>Account Number:</p> <p>Name and Fund#</p> <p style="text-align: center;">#302</p>
<p>Reviewed by Finance Department:</p> <p style="text-align: center;"><i>TJG</i></p>			
<p>Attachments to Agenda Packet Item:</p> <ol style="list-style-type: none"> 1. Local Programs Progress Billing Form - STPUS-B030(001) Progress Billing No. 13 2. Invoice 13093E-014 from HLA, Inc., to the City of Prosser in the amount of \$3,869.51 dated 06/01/2015 3. Project Costs To Date Sheet, dated 06/11/2015 			
<p>Summary Statement: HLA, Inc., has performed work in connection with their contract for preliminary engineering and design of the Old Inland Empire Highway Improvements Project. The amount due, \$3,869.51, must have Council approval prior to this invoice being sent to WSDOT for processing and subsequent payment to HLA, Inc.</p>			
<p>Consistent with or Comparison to:</p> <p>Payment as per contractual agreements require City Council approval.</p>			

Recommended City Council Action/Suggested Motion:

Approve Progress Bill No. 13 in the amount of \$3,869.51 for work performed by HLA, Inc., through May 31, 2015, for preliminary engineering and design on the Old Inland Empire Highway Improvements Project and authorize the Mayor to sign the documents.

<u>Reviewed by Department Director:</u> <i>Not Available -</i>	<u>Reviewed by City Attorney:</u>  Date: <i>6/18/15</i>	<u>Approved by Mayor:</u>  Date: <i>6-19-15</i>
<u>Today's Date:</u> 06/15/15	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>

City of Prosser
 601 7th Street
 Prosser, WA 99350
 Federal Tax ID No.: 91-6001268
 Agency Use:

Local Programs Progress Billing

Federal Aid or State Project: STPUS-B030(001)
 Agreement Number: LA-8286
 Last Supplement : I
 Project Title: Old Inland Empire HWY Improvements
 Project End Date: _____

Progress Bill No: 13
 Final Progress Bill? NO
 Billing Period from: 5/1/2015
 through: 5/30/2015
 CN Award Date _____

	1	2	3	4	5	6	7	8
	Total Eligible This Period	Total Eligible To Date	Participation Rate	Amount Claimed This Period <i>Col 1 x Col 3</i>	Amount Claimed Prior Periods	Total Claimed To Date <i>Col 4 + Col 5</i>	Amount Authorized Per Agreement	Remaining Federal/State Funds <i>Col 7 - Col 6</i>
PE				0.00		0.00		0.00
Agency Consultant	3,869.51	156,824.49	86.5000%	3,347.13	132,306.07	135,653.20	246,235.00	110,581.80
<i>Total Preliminary Engineering</i>	3,869.51	156,824.49		3,347.13	132,306.07	135,653.20	246,235.00	110,581.80
RW				0.00		0.00		0.00
				0.00		0.00		0.00
<i>Total Right of Way</i>	0.00	0.00		0.00	0.00	0.00	0.00	0.00
CN				0.00		0.00		0.00
Contract				0.00		0.00		0.00
				0.00		0.00		0.00
				0.00		0.00		0.00
				0.00		0.00		0.00
CE				0.00		0.00		0.00
Agency Consultant				0.00		0.00		0.00
<i>Total Construction</i>	0.00	0.00		0.00	0.00	0.00	0.00	0.00
TOTAL PROJECT	3,869.51	156,824.49		3,347.13	132,306.07	135,653.20	246,235.00	110,581.80

Submission of this request for payment certifies that in accordance with the laws of the State of Washington and under the conditions of approval for the project identified above, actual costs claimed have been incurred and are eligible for the purposes specified; also, that no other claims have been presented to, or payment made by, the State of Washington for those costs claimed for reimbursement.

Submit to HQ Local Programs

hqpbillings@wsdot.wa.gov

WSDOT Local Programs
 PO BOX 47390
 Olympia, WA 98504-7390

 Signee - Paul Warden

 Mayor
 Title

 Date



Huibregtse, Louman Associates, Inc.
 2803 River Road
 Yakima, WA 98902

City of Prosser
 601 Seventh St.
 Prosser, WA 99350

Invoice number 13093E-014
 Date 06/01/2015

Project **13093E Prosser - Old Inland Empire
 Highway Improvements**

Payment is Due within 30 Days of the Date of this Invoice.

FOR:

Professional Engineering Services in connection with the Old Inland Empire Highway Improvements project, per your request, for services performed May 1 through May 31, 2015.

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
Design, Plans, Specifications and Estimate	284,700.00	55.08	152,954.98	156,824.49	3,869.51
Total	284,700.00	55.08	152,954.98	156,824.49	3,869.51

Invoice total 3,869.51

HUIBREGTSE, LOUMAN ASSOCIATES, INC.

Michael T. Battle, PE
 Vice President

CITY OF PROSSER, WASHINGTON
AGENDA BILL

<p>Agenda Title: Approve Progress Bill No. 6 in the amount of \$4,629.18 for work performed by HLA, Inc., through May 31, 2015, for preliminary engineering and design on the Old Inland Empire Highway Improvements Phase 2 Project and authorize the Mayor to sign the documents.</p>		<p>Meeting Date: June 23, 2015 Regular Meeting</p>	
Department:	Director:	Contact Person:	Phone Number:
Public Works	L.J. Da Corsi	L.J. Da Corsi	(509) 786-2332
<p>Cost of Proposal: \$115,770.00 (Total) 4,629.18 (Bill No. 6)</p> <p>Amount Budgeted: N/A \$115,770</p> <p>\$100,147 (STP-US) 15,623 (City Match)</p>			<p>Account Number:</p> <p>Name and Fund#</p> <p style="text-align: center;">#304</p>
Reviewed by Finance Department:			
			
Attachments to Agenda Packet Item:			
<ol style="list-style-type: none"> 1. Local Programs Progress Billing Form - STPUS-3735(001) Progress Bill No. 6 2. HLA Invoice 14088E-006 from HLA, Inc., in the amount of \$4,629.18, dated 06/01/2015 3. Project Costs To Date Sheet, dated 6/11/2015 			
Summary Statement:			
<p>HLA, Inc., has performed work in connection with their contract for preliminary engineering and design of the Old Inland Empire Highway Improvements Phase 2 Project. The amount due, \$4,629.18, must have Council approval prior to this invoice being sent to WSDOT for processing and subsequent payment to HLA, Inc.</p>			
Consistent with or Comparison to:			
<p>Payment as per contractual agreements require City Council approval.</p>			

Recommended City Council Action/Suggested Motion:

Approve Progress Bill No. 6 in the amount of \$4,629.18 for work performed by HLA, Inc., through May 31, 2015, for preliminary engineering and design on the Old Inland Empire Highway Improvements Phase 2 Project and authorize the Mayor to sign the documents.

<u>Reviewed by Department Director:</u>	<u>Reviewed by City Attorney:</u>	<u>Approved by Mayor:</u>
<i>Not Available -</i>		
Date:	Date: <i>6/18/15</i>	Date: <i>6-19-15</i>
<u>Today's Date:</u>	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>
06/15/15		

City of Prosser
 601 7th Street
 Prosser, WA 99350
 Federal Tax ID No.: 91-6001268
 Agency Use:

Local Programs Progress Billing

Federal Aid or State Project: STPUS-3735(001)
 Agreement Number: LA-8499
 Last Supplement :
 Project Title: Old Inland Empire HWY Improvements - PH 2
 Project End Date:
 Progress Bill No: 6
 Final Progress Bill?: NO
 Billing Period from: 5/1/2015
 through: 5/31/2015
 CN Award Date

	1	2	3	4	5	6	7	8
	Total Eligible This Period	Total Eligible To Date	Participation Rate	Amount Claimed This Period <i>Col 1 x Col 3</i>	Amount Claimed Prior Periods	Total Claimed To Date <i>Col 4 + Col 5</i>	Amount Authorized Per Agreement	Remaining Federal/State Funds <i>Col 7 - Col 6</i>
PE				0.00		0.00		0.00
Agency Consultant	4,629.18	32,365.57	86.5000%	4,004.24	23,991.98	27,996.22	100,147.00	72,150.78
<i>Total Preliminary Engineering e</i>	4,629.18	32,365.57		4,004.24	23,991.98	27,996.22	100,147.00	72,150.78
RW				0.00		0.00		0.00
				0.00		0.00		0.00
<i>Total Right of Way</i>	0.00	0.00		0.00	0.00	0.00	0.00	0.00
CN				0.00		0.00		0.00
Contract				0.00		0.00		0.00
				0.00		0.00		0.00
				0.00		0.00		0.00
				0.00		0.00		0.00
CE				0.00		0.00		0.00
Agency Consultant				0.00		0.00		0.00
<i>Total Construction q</i>	0.00	0.00		0.00	0.00	0.00	0.00	0.00
TOTAL PROJECT r	4,629.18	32,365.57		4,004.24	23,991.98	27,996.22	100,147.00	72,150.78

Submission of this request for payment certifies that in accordance with the laws of the State of Washington and under the conditions of approval for the project identified above, actual costs claimed have been incurred and are eligible for the purposes specified; also, that no other claims have been presented to, or payment made by, the State of Washington for those costs claimed for reimbursement.

Submit to HQ Local Programs

hqlpbillings@wsdot.wa.gov

WSDOT Local Programs
 PO BOX 47390
 Olympia, WA 98504-7390

 Signee - Paul Warden

 Mayor
 Title

 Date



Huibregtse, Louman Associates, Inc.
 2803 River Road
 Yakima, WA 98902
 509-966-7000

City of Prosser
 601 Seventh St.
 Prosser, WA 99350

Invoice number 14088E-006
 Date 06/01/2015

Project 14088E Prosser - Old Inland Empire
 Highway - Phase 2

Payment is Due within 30 Days of the Date of this Invoice.

FOR:

Professional Engineering Services in connection with the Old Inland Empire Highway - Phase 2 project, per your request, for services performed May 1 through May 31, 2015.

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
Design, Plans, Specifications and Estimate	115,770.00	27.96	27,736.39	32,365.57	4,629.18
Total	115,770.00	27.96	27,736.39	32,365.57	4,629.18

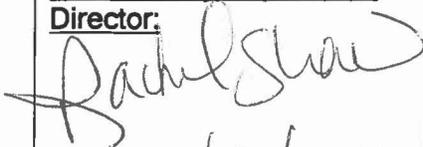
Invoice total **4,629.18**

HUIBREGTSE, LOUMAN ASSOCIATES, INC.

Michael T. Battle, PE
 Vice President

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Adopt Resolution 15-_____ Surplusing City of Prosser Property.		Meeting Date: June 23, 2015 Regular Meeting	
Department: Clerk/IT	Director: Rachel Shaw	Contact Person: Rachel Shaw	Phone Number: (509) 786-8218
Cost of Proposal: N/A		Account Number: N/A	
Amount Budgeted: N/A		Name and Fund# N/A	
Reviewed by Finance Department: <p align="center">Ty</p>			
Attachments to Agenda Packet Item: <ol style="list-style-type: none"> 1. Surplus Property Resolution. (1 page) 2. Exhibit "A" (list of items to surplus). (1 page) 			
Summary Statement: <p>The attached Resolution declares certain City of Prosser property as surplus which occupies space and is of longer of use or value to the City. The Resolution directs the Mayor to sell the assets if the cost of sale is less than the value of the property and authorizes him to dispose of the property otherwise.</p>			
Consistent with or Comparison to: <p>EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL</p>			
Recommended City Council Action/Suggested Motion: <p>Adopt Resolution Number 15-_____ Surplusing City of Prosser property as described in Exhibit "A".</p>			
Reviewed by Department Director:  Date: 4/18/2015	Reviewed by City Attorney:  Date: 6/18/15	Approved by Mayor:  Date: 6-19-15	

**CITY OF PROSSER, WASHINGTON
RESOLUTION NO. 15-_____**

A RESOLUTION DECLARING CERTAIN PROPERTY OF THE CITY OF PROSSER TO BE SURPLUS AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY.

WHEREAS, the City of Prosser has accumulated certain items of personal property which items are listed on the attached exhibit "A", which items are no longer needed by the City of Prosser; and,

WHEREAS, the City Council of the City of Prosser believes that such property is surplus to the needs of the City and disposal of such property is for the common benefit;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Prosser as follows:

1. That the property listed on the attached Exhibit "A" is hereby declared surplus to the needs of the City of Prosser;
2. That it is deemed to be for the common benefit of the Citizens of the City of Prosser to dispose of such surplus property; and
3. That the Mayor or his/her designee is authorized to dispose of the items listed on Exhibit "A" in a commercially reasonable manner which will be in the best interest of the City of Prosser, including but not limited to negotiation by private sale, auction or if the cost of sale exceeds the value of the property by disposal or donation to a charitable organization.

ADOPTED by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this 23rd, day of June, 2015.

MAYOR PAUL WARDEN

ATTEST:

RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM



HOWARD SAXTON, CITY ATTORNEY

EXHIBIT "A"

1.	HP LaserJet 4000 TN	COP# 1792
2.	Ascentia M Series Laptop	COP# 2613
3.	Viewsonic VP201 MB Monitor	N/A
4.	APC Back-Ups 750	N/A
5.	APC Back-Ups 750	N/A
6.	APC Back-Ups 750	N/A
7.	Xerox Documate 262	N/A
8.	APC Back-Ups 500	COP#1248
9.	APC Back-Ups 500	N/A
10.	APC Back-Ups 500	COP#1214
11.	Dell Optiplex 745	N/A
12.	Dell Poweredge Server	N/A
13.	Viewsonic VP930B Monitor	N/A
14.	NEC LA Monitor	N/A
15.	Dell Precision 450	COP#246
16.	IBM PC 300 GL	N/A
17.	Racal Micro Series 2	N/A
18.	Alden Associates PC	N/A
19.	MPC Client Pro	N/A
20.	MPC Monitor	N/A
21.	Brother Intellifax	N/A
22.	Brother ML-100 Standard	N/A
23.	APC Back-Ups XS 1500	N/A
24.	APC Back-Ups XS 1500	N/A
25.	APC Back-Ups XS 1500	COP#3094
26.	APC Back-Ups XS 1500	COP#3095
27.	MPC Monitor	N/A
28.	MPC Monitor	N/A
29.	KDS Radius-73 Monitor	COP#772
30.	Viewsonic VP 201MB	N/A
31.	Dell Optiplex GX270	COP#3340
32.	Dell Optiplex GX270	COP#278
33.	Dell Precision 650	COP#3338
34.	Thresher Series C	COP#2571
35.	Optiplex GX 620	COP#357
36.	Viewsonic VP201B Monitor	N/A
37.	Viewsonic VP201B Monitor	COP#335

**CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL REGULAR MEETING
TUESDAY, MAY 12, 2015**

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 Sofia Martinez.

ROLL CALL

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

Others in attendance were City Clerk Shaw, Finance Director Yost, Police Chief Giles, and City Attorney Saxton.

CITIZEN PARTICIPATION (None)

MAYOR AND COUNCIL REPORTS AND COMMENTS

Mayor Warden advised there were two add-on items to the agenda and asked Council to consider those items after the Consent Agenda items. Council concurred.

CONSENT AGENDA

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

- a) Approve Payment of Payroll Check Nos. 600345 through 600356 in the amount of \$25,957.94 and Direct Deposits in the Amount of \$101,155.57, for the Period Ending May 12, 2015
- b) Approve Payment of Claim Checks Nos. 12322 through 12387 in the Amount of \$180,991.03 and Electronic Payments in the Amount of \$51,028.86 for the Period Ending May 12, 2015
- c) Accept Monthly Report by Prosser Economic Development Association for the Month of March 2015 and Authorize Payment for Those Services in the Amount \$2,166.66 and Authorize Payment in the Amount of \$1,416.67 for Grant Writer Services
- d) Accept Monthly Report by Prosser Economic Development Association for the Month of April 2015 and Authorize Payment for Those Services in the Amount \$2,166.66 and Authorize Payment in the Amount of \$1,416.67 for Grant Writer Services

- e) Review and Confirm the Appointment of Marvin Ward to the Yakima Sub-Basin Recovery Board as Appointed by Mayor Warden
- f) Approve February 3, 2015 Meeting Minutes

ADD ON ITEMS

Approval of Claim Check

A motion was made by Council Member Taylor, seconded by Council Member Becken, to approve payment of claim check no. 12388 in the amount of \$1,122.36 for the period ending May 12, 2015. Motion passed 7 YES, 0 NO, 0 ABSENT.

Revision to Progress Bill No. 11 for OIE Highway Improvements Project

A motion was made by Council Member Everett, seconded by Council Member Becken to approve revision to WASDOT Form Progress Bill No. 11 STPUS-B030(001) OIE Highway Improvements Project to correct a discrepancy and accept the revised version. Motion passed 7 YES, 0 NO, 0 ABSENT.

COUNCIL ACTION

APPROVAL OF CLAIM CHECKS

Council Member Hamilton recused himself due to a conflict of interest. A motion was made by Council Member Everett, seconded by Council Member Taylor to approve payment of claim check no. 12332, in the amount of \$62,944.32 for the period ending May 12, 2015. Motion passed 6 YES, 0 NO, 0 ABSENT, 1 ABSENTION (Hamilton).

CONSIDERATION OF ORDINANCE AMENDING PMC CHAPTER 5.30 RELATED TO THE SPECIAL EVENTS PERMIT

A motion was made by Council Member Taylor, seconded by Council Member Becken, to adopt Ordinance No. 15-2931 amending PMC Chapter 5.30 related to the Special Events Permit. Motion passed 7 YES, 0 NO, 0 ABSENT.

CONSIDERATION OF ORDINANCE AMENDING THE 2015 BUDGET FOR THE STREET FUND (102)

Council asked that this item be removed from the agenda and to bring it back at a future City Council meeting for further discussion and possible action.

CONSIDERATION OF ORDINANCE ESTABLISHING PROCEDURES FOR THE ADOPTION OF ADMINISTRATIVE POLICIES

A motion was made by Council Member Everett, seconded by Council Member Aubrey, to adopt Ordinance No. 15-2932 establishing procedures for the adoption of administrative policies. Motion passed 5 YES, 2 NO (Taylor, Hamilton), 0 ABSENT.

CONSIDERATION OF ORDINANCE AMENDING THE 2015 BUDGET FOR THE CRIMINAL JUSTICE FUND (148)

Council reviewed the proposed ordinance and directed staff to bring this item back for Council consideration and approval at a future City Council meeting.

CONSIDERATION OF NOTICE OF PLANNED ACTION AND BID PACKAGE

A motion was made by Council Member Everett, seconded by Council Member Taylor, to authorize the Mayor to publish a Notice of Planned Action and send it to the owners of 1331 Bennett Avenue and further authorize the Mayor to submit a bid to purchase the property described in the Notice of Planned Action for an amount to be determined by the Mayor but not exceeding \$100,000 and approve the payment of earnest money in the amount not to exceed ten percent of the bid price. Council Member Ward inquired about the process of eminent domain. City Attorney Saxton provided an explanation as to the process. Council Member Aubrey inquired of court costs. City Attorney Saxton stated court costs are approximately \$10,000 to \$15,000 (plus or minus) and attorney's fees are \$30,000 to \$40,000. Council Member Elder asked if they are willing sellers. Mayor Warden stated the property is up for auction. Mayor Warden restated the motion and the Motion passed 6 YES, 1 NO (Ward), 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 7:29 p.m.

Mayor Paul Warden

Attest:

City Clerk Rachel Shaw

**CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL REGULAR MEETING
TUESDAY, MAY 26, 2015**

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 Sydney Gamache.

ROLL CALL

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

Others in attendance were City Clerk Shaw, Finance Director Yost, Police Chief Giles, and City Attorney Saxton.

CITIZEN PARTICIPATION (None)

MAYOR AND COUNCIL REPORTS AND COMMENTS

Mayor Warden provided a brief explanation of the add-on item that would be considered pending Council agreement. Council agreed to consider the add-on item for the Prosser Aquatic Center concessions.

Council Member Ward reported on his recently attended the Prosser Economic Development Association (PEDA) Housing Subcommittee. He also provided a report on a Yakima Basin Recovery Basin Board meeting.

Chamber of Commerce Quarterly Report

Humberto Rodriguez, Executive Director handed out the 2015 First Quarter Report and discussed the highlights over the quarter as well as upcoming scheduled events.

Council thanked Mr. Rodriguez for his report.

Historic Downtown Prosser Association Quarterly Report

Dan Smith, Executive Director provided a brochure and discussed the 2015 First Quarter Report and reviewed the highlights over the quarter. Mr. Smith briefed Council on the recent closure of two downtown businesses following the flooding and damage to buildings. HDPA has set up a “Go Fund Me” account to help offset some of the costs.

Mayor Warden thanked Mr. Smith for his report and for keeping the downtown beautiful and vibrant with the flowers and hanging baskets.

CONSENT AGENDA

Council Member Hamilton pulled Item "J" from the Consent Agenda. A motion was made by Council Member Taylor, seconded by Council Member Everett to approve Consent Agenda Items "A – I, K – O." Motion passed 7 YES, 0 NO, 0 ABSENT.

- a) Approve Payment of Payroll Check Nos. 600357 through 600360 in the amount of \$2,958.08 and Direct Deposits in the Amount of \$15,492.65, for the Period Ending May 26, 2015
- b) Approve Payment of Claim Checks Nos. 12390 through 12477 in the Amount of \$312,207.48 and Electronic Payments in the Amount of \$18,823.58 for the Period Ending May 26, 2015
- c) Accept Invoice for Operation of the Visitor Information Center and Reimbursable Tourism and Promotional Expenses for the Month of March 2015 and Authorize Payment for those Services in the Amount of \$12,000.00
- d) Approve Progress Bill No. 5 in the Amount of \$409.78 for Work Performed by HLA, Inc., through April 30, 2015, for Preliminary Engineering and Design on the 7th Street ADA Sidewalk Ramp Improvements Project and Authorize the Mayor to Sign the Documents
- e) Approve Progress Bill No. 12 in the Amount of \$5,864.99 for Work Performed by HLA, Inc., through April 30, 2015, for Preliminary Engineering and Design on the Old Inland Empire Highway Improvements Project and Authorize the Mayor to Sign the Documents
- f) Approve Progress Bill No. 5 in the Amount of \$4,535.64 for Work Performed by HLA, Inc., through April 30, 2015, for Preliminary Engineering and Design on the Old Inland Empire Highway Improvements Phase 2 Project and Authorize the Mayor to Sign the Documents
- g) Approve Contract Amendment to the Industrial Wastewater User Contract between Hogue Cellars, LTD., and the City of Prosser and Authorize the Mayor to Sign the Contract Amendment
- h) Approve the Request for Fireworks Ban Special Use Waiver for the Prosser Scottish Festival Anvil Launch to be Held on June 20, 2015 at the Port of Benton East Prosser Wine and Food Park
- i) Approve the Special Event Application for the Prosser Chamber of Commerce, Multiple Events, for the 2015 Calendar Year
- k) Approve February 10, 2015 Meeting Minutes
- l) Approve February 24, 2015 Meeting Minutes

- m) Approve March 3, 2015 Meeting Minutes
- n) Approve March 10, 2015 Meeting Minutes
- o) Approve March 24, 2015 Meeting Minutes

Council Member Hamilton explained he was concerned with the dates listed Special Event Permit application which appeared to conflict with what was listed on the agenda bill. He further inquired of staff if the event was two days or one. Mayor Warden advised he would have to discuss with staff that process applications and bring the item back for further consideration and possible approval.

- j) Approve the Special Event Application for the Sacred Heart Parish Latin Festival, August 9, 2015, at the Prosser City Park

COUNCIL ACTION

CONSIDERATION OF RESOLUTION AMENDING INTERLOCAL AGREEMENT WITH BENTON COUNTY FOR DISTRICT COURT SERVICES

A motion was made by Council Member Everett, seconded by Council Member Aubrey, to adopt Resolution No. 15-1486 approving the amended and restated Interlocal Agreement between Benton County and the City of Prosser for District Court services and authorize the Mayor to sign the agreement. Motion passed 7 YES, 0 NO, 0 ABSENT.

CONSIDERATION OF ORDINANCE AMENDING THE 2015 BUDGET FOR THE CRIMINAL JUSTICE FUND (148)

A motion was made by Council Member Taylor, seconded by Council Member Everett, to adopt Ordinance No. 15-2933 amending the 2015 Budget for the Criminal Justice Fund 148. Motion passed 7 YES, 0 NO, 0 ABSENT.

ADD ON ITEM

Consideration of an Agreement for Concession Services at the Prosser Aquatic Center

A motion was made by Council Member Taylor, seconded by Council Member Everett, to approve the agreement with the Tiki Shack to provide concession services at the Prosser Aquatic Center. Motion passed 7 YES, 0 NO, 0 ABSENT.

COUNCIL ACTION (Cont.)

CONSIDERATION OF ORDINANCE AMENDING THE 2015 BUDGET FOR THE STREET FUND (102)

A motion was made by Council Everett, seconded by Council Member Ward, to adopt Ordinance No. 15-2934 amending the 2015 Budget for the Street Fund 102. Motion passed 7 YES, 0 NO, 0 ABSENT.

COUNCIL DISCUSSION

Council Member Hamilton inquired why staff proposed discussing Mayor Compensation as noted on the future agenda forecast.

Mayor Warden explained it was in preparation of the 2016 budget discussions.

Council Member Hamilton asked what the dates Nunn Road would be closed for construction.

Finance Director Yost stated May 18th – May 29, 2015.

ADJOURNMENT

There being no further business before the City Council at this time, the Regular Meeting of the Prosser City Council was adjourned at 7:40 p.m.

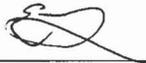
Mayor Paul Warden

Attest:

City Clerk Rachel Shaw

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve payment of claim Check no. 12662 and 12663 in the amount of \$249.09 for the period ending June 23, 2015		Meeting Date: June 23, 2015 Regular Meeting	
Department: Finance	Director: Toni Yost	Contact Person: Elia Lara	Phone Number: (509) 786-2332
Cost of Proposal: \$249.09		Account Number: See Attached	
Amount Budgeted: See 2015 budget for each item listed.		Name and Fund# See Attached	
Reviewed by Finance Department: 			
Attachments to Agenda Packet Item: 1. Check Register # 12662 and 12663			
Summary Statement: Approve payment of claim check no. 12662 and 12663 in the amount of \$249.09 for the period ending June 23, 2015.			
Consistent with or Comparison to: City's policy to pay bills in a timely manner.			
Recommended City Council Action/Suggested Motion: Approve payment of claim Approve payment of claim check no. 12662 and 12663 in the amount of \$249.09 for the period ending June 23, 2015			
Reviewed by Department Director: 	Reviewed by City Attorney: N/A	Approved by Mayor: 	
Date: 6/19/15	Date:	Date: 6-19-15	
Today's Date:	Revision Number/Date:	File Name and Path:	

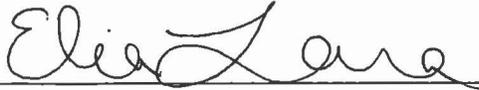
CHECK REGISTER

City Of Prosser
MCAG #: 0205

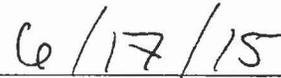
06/23/2015 To: 06/30/2015

Time: 16:12:50 Date: 06/23/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
4256	06/23/2015	Claims	1	12662	James Castagne	154.03	LEOFF 1 Reimbursement
			117 - 517 91 20 001		Personnel Benefits	154.03	LEOFF 1 Reimbursement
4257	06/23/2015	Claims	1	12663	Gerald Sherman	95.06	LEOFF 1 Reimbursement
			117 - 517 91 20 001		Personnel Benefits	95.06	LEOFF 1 Reimbursement
517 Employee Benefit Programs						249.09	
117 Employee Benefits Security						249.09	
						249.09	Claims: 249.09

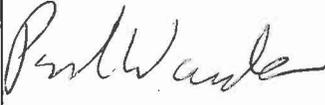


Signature



Date

CITY OF PROSSER, WASHINGTON
AGENDA BILL

Agenda Title: Consideration of action allowing for the refinancing for certain long term debt.		Meeting Date: June 23, 2015 Regular Meeting	
Department: Finance	Director: Toni Yost	Contact Person: Toni Yost	Phone Number: (509) 786-8215
Cost of Proposal:		Account Number:	
Amount Budgeted: \$0		Name and Fund#:	
Reviewed by Finance Department: <i>Tyost</i>			
Attachments to Agenda Packet Item: 1. Underwriting Engagement Letter			
Summary Statement: Earlier this year the Council took action allowing the staff to work with representatives from DA Davidson to refinance certain utility debt. As part of this process it was determined that some savings could be found by consolidating this re-financing process with the issuance of a bond for the WWTP Improvement Project. The attached updated Underwriting Engagement Letter incorporates the additional scope of work for the WWTP bond.			
Consistent with or Comparison to: EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
Recommended City Council Action/Suggested Motion: Approve the Underwriting Engagement Letter with D.A. Davidson and allow the Mayor, or his designee, to execute the agreement.			
Reviewed by Department Director: <i>Tyost</i> Date: 6/19/15	Reviewed by City Attorney:  Date: 6/18/15	Approved by Mayor:  Date: 6-19-15	



June 16, 2015

City of Prosser
Attention: Ms. Toni Yost, Finance Director
601 Seventh Street, Prosser, WA 99350

Re: Underwriting Engagement Letter for Water & Sewer Improvement and Refunding Revenue Bonds

On behalf of D.A. Davidson & Co. ("Davidson"), we wish to thank you for the opportunity to serve as underwriter for the City of Prosser ("Issuer") on its proposed offering and issuance of Water & Sewer Improvement and Refunding Revenue Bonds (the "Securities"). *(This is an update to the signed letter from February 13, 2015 because of the recent request by the City to add new money with the refunding and also because the City has determined that the System is a combined Water & Sewer System.)* This letter will confirm the terms of our engagement; however, it is anticipated that this letter will be replaced and superseded by a bond purchase agreement to be entered into by the parties (the "Purchase Agreement") if and when the Securities are priced following successful completion of the offering process.

1. Services to be Provided by Davidson. The Issuer hereby engages Davidson to serve as managing underwriter of the proposed offering and issuance of the Securities, and in such capacity Davidson agrees to provide the following services:

- Analyze and report on the cost-effectiveness of refinancing any outstanding Water & Sewer Revenue debt
- Develop a marketing plan for the offering, including identification of potential investors
- Assist in the preparation of the official statement and other offering documents
- Contact potential investors, provide them with offering-related information, respond to their inquiries and, if requested, coordinate their due diligence sessions
- If the Securities are to be rated, assist in preparing materials to be provided to securities ratings agencies and in developing strategies for meetings or conference calls with the ratings agencies
- Consult with counsel and other service providers about the offering and the terms of the Securities
- Inform the Issuer of the marketing and offering process
- Negotiate the pricing, including the interest rate, and other terms of the Securities
- Obtain CUSIP number(s) for the Securities and arrange for their DTC book-entry eligibility
- Plan and arrange for the closing and settlement of the issuance and the delivery of the Securities
- Such other usual and customary underwriting services as may be requested by the Issue

As underwriter, Davidson will not be required to purchase the Securities except pursuant to the terms of the Purchase Agreement, which will not be signed until successful completion of the pre-sale offering period. This letter does not obligate Davidson to purchase any of the Securities.

2. No Advisory or Fiduciary Role. The Issuer acknowledges and agrees that: (i) the primary role of Davidson, as an underwriter, is to purchase securities, for resale to investors, in an arm's-length commercial transaction between the Issuer and Davidson and that Davidson has financial and other interests that may differ from those of the issuer.; (ii) Davidson is not acting as a municipal advisor, financial advisor, or fiduciary to the Issuer and has not assumed any advisory or fiduciary responsibility to the Issuer with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether Davidson has provided other services or is currently providing other services to the Issuer on other matters); (iii) the only obligations Davidson has to the Issuer with respect to the transaction contemplated hereby expressly are set forth in this agreement; and (iv) the Issuer has consulted its own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate. If the Issuer would like a municipal advisor in this transaction that has legal fiduciary duties to the Issuer, then the Issuer is free to engage a municipal advisor to serve in that capacity.

In addition, the Issuer acknowledges receipt of certain regulatory disclosures as required by the Municipal Securities Rulemaking Board that are attached to this agreement as Exhibit A. Issuer further acknowledges that Davidson may be required to supplement or make additional disclosures as may be necessary as the specific terms of the transaction progress.

3. Fees and Expenses. Davidson's proposed underwriting fee/spread is less than 1% of the principal amount of the Securities issued. The underwriting fee/spread will represent the difference between the price that Davidson pays for the Securities and the public offering price stated on the cover of the final official statement. In addition to the underwriting fee/spread, the Issuer shall pay to Davidson a fee equal to \$4,000 (or less) as compensation for its services in assisting in the preparation of the official statement and providing various financial analyses, and for the use of Davidson's capital to advance certain costs prior to settlement, and to reimburse for Davidson's payment of CUSIP, DTC, IPREO (electronic book-running/sales order system), printing and mailing/distribution charges, review of prior Continuing Disclosure undertakings, etc. The Issuer shall be responsible for paying or reimbursing Davidson for all other costs of issuance, including without limitation, bond counsel, rating agency fee and expenses, and all other expenses incident to the performance of the Issuer's obligations under the proposed offering.

4. Term and Termination. The term of this engagement shall extend from the date of this letter to the closing of the offering of the Securities. Notwithstanding the forgoing, either party may terminate Davidson's engagement at any time without liability of penalty upon at least 30 days' prior written notice to the other party. If Davidson's engagement is terminated by the Issuer, the Issuer agrees to reimburse Davidson for its out-of-pocket expenses incurred until the date of termination.

5. Indemnification; Limitation of Liability. The Issuer agrees that neither Davidson nor its employees, officers, agents or affiliates shall have any liability to the Issuer for the services provided hereunder except to the extent it is judicially determined that Davidson engaged in gross negligence or willful misconduct. In addition, to the extent permitted by applicable law, the Issuer shall indemnify, defend and hold Davidson and its employees, officers, agents and affiliates harmless from and against any

losses claims, damages and liabilities that arise from or otherwise relate to this Agreement, actions taken or omitted in connection herewith, or the transactions and other matters contemplated hereby, except to the extent such losses, claims, damages or liabilities are judicially determined to be the result of Davidson's gross negligence or willful misconduct.

6. Miscellaneous. This letter shall be governed and construed in accordance with the laws of the State of Washington. This Agreement may not be amended or modified except by means of a written instrument executed by both parties hereto. This Agreement may not be assigned by either party without the prior written consent of the other party.

If there is any aspect of this Agreement that you believe requires further clarification, please do not hesitate to contact us. If the foregoing is consistent with your understanding of our engagement, please sign and return the enclosed copy of this letter.

Again, we thank you for the opportunity to assist you with your proposed financing and the confidence you have placed in us.

Very truly yours,

D.A. DAVIDSON & CO.

By: James M. Nelson

Signature:

Title: Senior Vice President

Accepted this _____ day of June, 2015

City of Prosser

By: _____ (print name)

Signature: _____

Title: _____

EXHIBIT A

D.A. Davidson & Co. (hereinafter referred to as “Davidson” or “underwriter”) intends/ proposes to serve as an underwriter, and not as a financial advisor or municipal advisor, in connection with the issuance of the Bonds.

As part of our services as sole underwriter, Davidson may provide advice concerning the structure, timing, terms, and other similar matters concerning the issuance of the Bonds.

Disclosures Concerning the Underwriters Role:

- (i) MSRB Rule G-17 requires an underwriter to deal fairly at all times with both municipal issuers and investors.
- (ii) The underwriters' primary role is to purchase the Bonds with a view to distribution in an arm's-length transaction with the Issuer. The underwriters financial and other interests that may differ from those of the Issuer.
- (iii) Unlike a municipal advisor, the underwriters do not have a fiduciary duty to the Issuer under the federal securities laws and are, therefore, not required by federal law to act in the best interests of the Issuer without regard to their own financial or other interests.
- (iv) The underwriters have a duty to purchase the Bonds from the Issuer at a fair and reasonable price, but must balance that duty with their duty to sell the Bonds to investors at prices that are fair and reasonable.
- (v) The underwriter will draft and review the official statement for the Bonds in accordance with, and as part of, their respective responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of this transaction.

Disclosures Concerning the Underwriters Compensation:

As underwriter, Davidson will be compensated by a fee and/or an underwriting discount that will be set forth in the bond purchase agreement to be negotiated and entered into in connection with the issuance of the Bonds. Payment or receipt of the underwriting fee or discount will be contingent on the closing of the transaction and the amount of the fee or discount may be based, in whole or in part, on a percentage of the principal amount of the Bonds. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since the underwriter may have an incentive to recommend to the Issuer a transaction that is unnecessary or to recommend that the size of the transaction be larger than is necessary.

Additional Conflicts Disclosure:

Davidson has not identified any additional potential or actual material conflicts that require disclosure

Risk Disclosures Pursuant to MSRB Rule G-17 - Fixed Rate Bonds

The following is a general description of the financial characteristics and security structures of fixed rate municipal bonds (“Fixed Rate Bonds”), as well as a general description of certain financial risks that you should consider before deciding whether to issue Fixed Rate Bonds.

Financial Characteristics

Maturity and Interest. Fixed Rate Bonds are interest-bearing debt securities issued by state and local governments, political subdivisions and agencies and authorities. Maturity dates for Fixed Rate Bonds are fixed at the time of issuance and may include serial maturities (specified principal amounts are payable on the same date in each year until final maturity) or one or more term maturities (specified principal amounts are payable on each term maturity date) or a combination of serial and term maturities. The final maturity date typically will range between 10 and 30 years from the date of issuance. Interest on the Fixed Rate Bonds typically is paid semiannually at a stated fixed rate or rates for each maturity date.

Redemption. Fixed Rate Bonds may be subject to optional redemption, which allows you, at your option, to redeem some or all of the bonds on a date prior to scheduled maturity, such as in connection with the issuance of refunding bonds to take advantage of lower interest rates.

Fixed Rate Bonds will be subject to optional redemption only after the passage of a specified period of time, often approximately ten years from the date of issuance, and upon payment of the redemption price set forth in the bonds, which may include a redemption premium. You will be required to send out a notice of optional redemption to the holders of the bonds, usually not less than 30 days prior to the redemption date. Fixed Rate Bonds with term maturity dates also may be subject to mandatory sinking fund redemption, which requires you to redeem specified principal amounts of the bonds annually in advance of the term maturity date. The mandatory sinking fund redemption price is 100% of the principal amount of the bonds to be redeemed.

Security

Payment of principal of and interest on a municipal security, including Fixed Rate Bonds, may be backed by various types of pledges and forms of security, some of which are described below.

Revenue Bonds. The Bonds are special fund revenue obligations of the City payable from the Water & Sewer System Revenue Bond Account (the "Bond Fund") into which the City has obligated itself to pay certain amounts from, and secured by a pledge of and lien and charge on the Net Revenue, which is defined in the Bond Ordinance to include the Gross Revenue less Operating and Maintenance Expenses. The lien and charge of the Parity Bonds (including the Bonds, any Outstanding Parity Bonds and any Future Parity Bonds) on the Net Revenue is prior and superior to any other liens or charges whatsoever.

The description above regarding "Security" is only a brief summary of certain possible security provisions for the bonds and is not intended as legal advice. You should consult with your bond counsel for further information regarding the security for the bonds.

The Bonds are not obligations of the State, the County or any other municipal corporation other than the City.

Financial Risk Considerations

Certain risks may arise in connection with your issuance of Fixed Rate Bonds, including some or all of the following:

Issuer Default Risk. You may be in default if the funds pledged to secure your bonds are not sufficient to pay debt service on the bonds when due. The consequences of a default may be serious for you and, depending on applicable state law and the terms of the authorizing documents, the holders of the bonds, the trustee and any credit support provider may be able to exercise a range of available remedies against you. For example, if the bonds are secured by a general obligation pledge, you may be ordered by a court to raise taxes. Other budgetary adjustments also may be necessary to enable you to provide sufficient funds to pay debt service on the bonds. A default may negatively impact your credit ratings and may effectively limit your ability to publicly offer bonds or other securities at market interest rate levels. Further, if you are unable to provide sufficient funds to remedy the default, subject to applicable state law and the terms of the authorizing documents, you may find it necessary to consider available alternatives under state law, including (for some issuers) state-mandated receivership or bankruptcy. A default also may occur if you are unable to comply with covenants or other provisions agreed to in connection with the issuance of the bonds.

This description is only a brief summary of issues relating to defaults and is not intended as legal advice. You should consult with your bond counsel for further information regarding defaults and remedies.

Redemption Risk. Your ability to redeem the bonds prior to maturity may be limited, depending on the terms of any optional redemption provisions. In the event that interest rates decline, you may be unable to take advantage of the lower interest rates to reduce debt service.

Refinancing Risk. If your financing plan contemplates refinancing some or all of the bonds at maturity (for example, if you have term maturities or if you choose a shorter final maturity than might otherwise be permitted under the applicable federal tax rules), market conditions or changes in law may limit or prevent you from refinancing those bonds when required. Further, limitations in the federal tax rules on advance refunding of bonds (an advance refunding of bonds occurs when tax-exempt bonds are refunded more than 90 days prior to the date on which those bonds may be retired) may restrict your ability to refund the bonds to take advantage of lower interest rates.

Reinvestment Risk. You may have proceeds of the bonds to invest prior to the time that you are able to spend those proceeds for the authorized purpose. Depending on market conditions, you may not be able to invest those proceeds at or near the rate of interest that you are paying on the bonds, which is referred to as “negative arbitrage”.

Tax Compliance Risk. The issuance of tax-exempt bonds is subject to a number of requirements under the United States Internal Revenue Code, as enforced by the Internal Revenue Service (IRS). You must take certain steps and make certain representations prior to the issuance of tax-exempt bonds. You also must covenant to take certain additional actions after issuance of the tax-exempt bonds. A breach of your representations or your failure to comply with certain tax-related covenants may cause the interest on the bonds to become taxable retroactively to the date of issuance of the bonds, which may result in an increase in the interest rate that you pay on the bonds or the mandatory redemption of the bonds.

The IRS also may audit you or your bonds, in some cases on a random basis and in other cases targeted to specific types of bond issues or tax concerns. If the bonds are declared taxable, or if you are subject to audit, the market price of your bonds may be adversely affected. Further, your ability to issue other tax-exempt bonds also may be limited.

This description of tax compliance risks is not intended as legal advice and you should consult with your bond counsel regarding tax implications of issuing the bonds.

If you or any other Issuer officials have any questions or concerns about these disclosures, please make those questions or concerns known immediately to the undersigned. In addition, you should consult with the Issuer's own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent you deem appropriate.

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Consideration of an Ordinance allowing for the refinancing for certain long term debt and allowing for the issuance of a bond associated with the Wastewater Treatment Plant Improvement Project.

Meeting Date:
June 23, 2015
Regular Meeting

Department:
Finance

Director:
Toni Yost

Contact Person:
Toni Yost

Phone Number:
(509) 786-2332

Cost of Proposal: \$0

Account Number:

Amount Budgeted: \$0

Name and Fund#
Water Fund (403)

Reviewed by Finance Department:

Tyost

Attachments to Agenda Packet Item:

1. Ordinance 15-_____

Summary Statement:

City Staff have been working with Jim Nelson of D.A. Davidson & Co and Alice Ostdiek of Foster Pepper, PLLC, on the refinancing of the 1998 and 1999 Water Revenue Bonds. As part of this process it was determined that some additional savings could be found by consolidating this process with the issuance of a bond for the Wastewater Treatment Plant Improvement Project.

As you might recall the City selected the refinancing option which left the annual payments about the same but reduced the number of years remaining on the debt. This structure resulted in an estimated savings of \$787,623, net of all refinancing costs.

Additionally, this ordinance allows for the issuance of a bond up to \$1.5 million for the Wastewater Treatment Plant Improvement Project as discussed at the June 9, 2015 City Council meeting.

The ordinance attached allows for this refinancing provided that USDA approves of the financing options and allows for the issuance of a bond for the WWTP Improvement Project. Assuming the conditions in the ordinance are met, it delegates authority to the Finance Department and other City Officials to complete the transactions, and no further Council action will be required.

Consistent with or Comparison to: EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL

Recommended City Council Action/Suggested Motion:

Adopt Ordinance 15 - _____ providing for the issuance of revenue bonds in an aggregate amount of \$5,000,000 for the purpose of refinancing certain utility debt and for the issuance of bonds associated with the Wastewater Treatment Plant Improvement Project.

<p><u>Reviewed by Department Director:</u></p> <p><i>Jost</i></p> <p>Date: 6/19/15</p>	<p><u>Reviewed by Bond Counsel:</u></p> <p><i>[Signature]</i></p> <p>Date: 6-18-15</p>	<p><u>Approved by Mayor:</u></p> <p><i>[Signature]</i></p> <p>Date: 6-19-15</p>
<p><u>Today's Date:</u></p> <p>June 18, 2015</p>	<p><u>Revision Number/Date:</u></p>	<p><u>File Name and Path:</u></p>

CITY OF PROSSER, WASHINGTON

ORDINANCE NO. 15-_____

AN ORDINANCE of the City of Prosser, Washington, relating to the utility systems comprising the Combined Utility System of the City; specifying, adopting and ordering the carrying out of a system or plan of additions to and betterments and extensions of the Combined Utility System; providing for the issuance of one or more series of combined utility revenue bonds in an aggregate amount not to exceed \$5,000,000 for the purpose of providing the funds necessary: (a) to pay all or a portion of the costs of carrying out that plan of additions, (b) to make a deposit to the debt service reserve account, (c) to refund and redeem outstanding water and sewer revenue bonds of the City and (d) to pay the costs of issuance and sale of the bonds and the administrative costs of the refunding; fixing or setting parameters with respect to certain terms and covenants of the bonds; appointing the City's designated representative to approve the Sale Terms of the sale of the bonds; and providing for other related matters.

Passed June 23, 2015

This document prepared by:

*Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, Washington 98101
(206) 447-4400*

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CITY OF PROSSER, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE of the City of Prosser, Washington, relating to the utility systems comprising the Combined Utility System of the City; specifying, adopting and ordering the carrying out of a system or plan of additions to and betterments and extensions of the Combined Utility System; providing for the issuance of one or more series of combined utility revenue bonds in an aggregate amount not to exceed \$5,000,000 for the purpose of providing the funds necessary: (a) to pay all or a portion of the costs of carrying out that plan of additions, (b) to make a deposit to the debt service reserve account, (c) to refund and redeem outstanding water and sewer revenue bonds of the City and (d) to pay the costs of issuance and sale of the bonds and the administrative costs of the refunding; fixing or setting parameters with respect to certain terms and covenants of the bonds; appointing the City's designated representative to approve the Sale Terms of the sale of the bonds; and providing for other related matters.

THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings and Determinations. The City Council of the City of Prosser, Washington (the "City") makes the findings and determinations set forth below. Capitalized terms have the meanings given in Section 2.

(a) *Outstanding Parity Bonds.* The City previously issued its Junior Lien Water and Sewer Revenue Bond, 1998 (the "1998 USDA Bond"), pursuant to Ordinance No. 98-2027 of the City, and in connection with such issuance reserved the right to issue bonds in the future on a parity of lien with the 1998 USDA Bond, if certain conditions are met at the time those bonds are issued. The prior senior lien bonds were repaid in 2013, and by Ordinance No. 15-2924, the City renamed the junior lien water and sewer revenue bonds as the Parity Bonds. The currently outstanding Parity Bonds include the 1998 USDA Bond, the Water and Sewer Revenue Bond, 1999 (the "1999 USDA Bond") and the Water Revenue Bond, 2015 (the "2015 USDA Bond").

(b) *Purpose and Authorization of the Bonds; Plan of Additions.* The City Council finds that an overall debt service savings can be achieved by the issuance of refunding bonds to refund the outstanding 1998 USDA Bond and 1999 USDA Bond. In addition, the City is in need of funds with which to finance certain improvements to the City's Wastewater Treatment Plant (the "Plan of Additions"), the estimated cost of which is more than \$1.5 million and the City does not have available sufficient funds to pay the costs. The life of the improvements comprising the Plan of Additions is declared to be at least 25 years.

(c) *Satisfaction of Parity Conditions and USDA Consent.* As a condition of issuance of the Bonds, the City Council requires that the Parity Conditions, including the requirement to obtain the written USDA Consent, be met and satisfied such that the Bonds will be issued as

Future Parity Bonds under the ordinance authorizing the 2015 USDA Bond. The City Council therefore authorizes and directs the City's Designated Representative to take such actions as are necessary to ensure that the Parity Conditions are met and satisfied before the Bonds may be delivered to the Purchaser.

(d) *Sufficiency of Gross Revenue.* The City Council finds that the Gross Revenue and benefits to be derived from the operation and maintenance of the Combined Utility System at the rates to be charged for services from the Combined Utility System will be more than sufficient to meet all Maintenance and Operation Expense and to permit the setting aside into the Bond Fund out of the Gross Revenue of amounts sufficient to pay the principal of and interest on the Outstanding Parity Bonds and the Bonds as authorized herein. The City Council declares that in fixing the amounts to be paid into the Bond Fund under this ordinance it has exercised due regard for Maintenance and Operation Expense and has not obligated the City to set aside and pay into the Bond Fund a greater amount of Gross Revenue than in its judgment will be available over and above such Maintenance and Operation Expense.

(e) *Issuance of Bonds.* For the purpose of financing the Plan of Additions, carrying out the Refunding Plan and paying the costs of issuance and sale of the Bonds, the City Council finds that it is in the best interests of the City and its ratepayers to issue and sell the Bonds to the Purchaser, pursuant to the terms set forth in the Bond Purchase Agreement as approved by the City's Designated Representative consistent with this ordinance.

Section 2. Definitions. As used in this ordinance, the following capitalized terms shall have the following meanings:

(a) "1998 USDA Bond" means the Water and Sewer Revenue Bond, 1998, dated September 1, 1998, issued pursuant to Ordinance No. 98-2027.

(b) "1999 USDA Bond" means the Water and Sewer Revenue Bond, 1999, dated June 1, 1999, issued pursuant to Ordinance No. 99-2072.

(c) "2015 USDA Bond" means the Water Revenue Bond, 2015, dated February 26, 2015, issued pursuant to Ordinance No. 15-2924.

(d) "Annual Debt Service" means, for the applicable series of Parity Bonds, for any calendar year all the interest plus all principal (except principal of Term Bonds due in any Term Bond Maturity Year), and plus all mandatory redemption requirements for that calendar year, less all bond interest payable from the proceeds of any such Parity Bonds in that calendar year.

(e) "Assessment Bonds" means the original principal amount of any series of Future Parity Bonds equal to the total principal amount of ULID Assessments remaining unpaid at the time of passage of the ordinance providing for the issuance and sale of those Future Parity Bonds financing or refinancing the ULID improvements. Assessment Bonds shall be allocated to each \$5,000 of bonds in proportion to their percentage of the entire series of bonds. When a Parity Bond of any series of Future Parity Bonds containing Assessment Bonds is redeemed or purchased, and retired, the same percentage of that bond as the percentage of Assessment Bonds is to that total series of bonds shall be treated as being redeemed or purchased, and retired. The

original principal amount of such series of Future Parity Bonds that is in excess of the amount allocated to Assessment Bonds shall be referred to as “bonds that are not Assessment Bonds.”

(f) “*Authorized Denomination*” means \$5,000 or any integral multiple thereof within a maturity of the Bonds.

(g) “*Average Annual Debt Service*” means, as of any calculation date, the sum of the Annual Debt Service for the remaining calendar years to the last scheduled maturity of the applicable series of Parity Bonds, divided by the number of those calendar years. For purposes of computing the Reserve Requirement, the estimated amount of Parity Bonds to be redeemed prior to maturity may be taken into account if required under applicable United States Treasury regulations relating to arbitrage.

(h) “*Beneficial Owner*” means, with respect to a Bond, the owner of any beneficial interest in that Bond.

(i) “*Bond*” means each bond issued pursuant to and for the purposes provided in this ordinance.

(j) “*Bond Counsel*” means the firm of Foster Pepper PLLC, its successor, or any other attorney or firm of attorneys selected by the City with a nationally recognized standing as bond counsel in the field of municipal finance.

(k) “*Bond Purchase Agreement*” means an offer to purchase the Bonds, setting forth certain terms and conditions of the issuance, sale and delivery of those Bonds, which offer is authorized to be accepted by the Designated Representative on behalf of the City, if consistent with this ordinance.

(l) “*Bond Register*” means the books or records maintained by the Bond Registrar for the purpose of identifying ownership of each Bond.

(m) “*Bond Registrar*” means the Fiscal Agent, or any successor bond registrar selected by the City.

(n) “*City*” means the City of Prosser, Washington, a municipal corporation duly organized and existing under the laws of the State.

(o) “*City Contribution*” means legally available money of the City, in addition to proceeds of the Bonds, necessary or advisable to carry out the Refunding Plan, as determined by the Designated Representative.

(p) “*City Council*” means the legislative authority of the City, as duly and regularly constituted from time to time.

(q) “*Code*” means the United States Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.

(r) “*Combined Utility System*” of the City means the existing Combined Utility System of the City, including the water, irrigation, bulk water, and sewer systems as components thereof, and all additions thereto and betterments and extensions thereof at any time made or constructed and any storm drainage or any other utility system which hereafter may be combined therewith. The City, by Ordinance No. 97-1934, combined the water utility and sewerage disposal system and, by Ordinance No. 2752 (2011), further combined additional utility systems into a Combined Utility System.

(s) “*Construction Fund*” means the fund or account designated by the City Finance Director for the payment of the costs of the Plan of Additions.

(t) “*Coverage Requirement*” means (i) annual Net Revenue at least equal to 1.25 times Annual Debt Service on the Parity Bonds that are not Assessment Bonds, and (ii) ULID Assessments, plus annual Net Revenue remaining after satisfaction of the requirements of clause (i) of this sentence, at least equal to Annual Debt Service on the Parity Bonds that are Assessment Bonds.

(u) “*DTC*” means The Depository Trust Company, New York, New York, or its nominee.

(v) “*Designated Representative*” means the officer of the City appointed in Section 5 of this ordinance to serve as the City’s designated representative in accordance with RCW 39.46.040(2).

(w) “*Finance Officer*” means the Finance Director or such other officer of the City who succeeds to substantially all of the responsibilities of that office.

(x) “*Fiscal Agent*” means the fiscal agent of the State, as the same may be designated by the State from time to time.

(y) “*Future Parity Bonds*” means any and all Combined Utility System revenue bonds of the City issued after the date of the issuance of the Bonds, the payment of the principal of and interest on which constitutes a charge or lien on the Net Revenue and ULID Assessments equal in rank with the charge and lien upon such revenue and assessments required to be paid into the Parity Bond Fund to pay and secure the payment of the principal of and interest on the Outstanding Parity Bonds and the Bonds.

(z) “*Government Obligations*” has the meaning given in RCW 39.53.010, as now in effect or as may hereafter be amended.

(aa) “*Gross Revenue of the Combined Utility System*” or “*Gross Revenue*” means all of the earnings and revenues received by the City from the maintenance and operation of the Combined Utility System, including the water system and the sewage system as components thereof, and all earnings from the investment of money on deposit in the Parity Bond Fund. Gross Revenue does not include ULID Assessments, government grants, City taxes, proceeds of the sale of Combined Utility System property, principal proceeds of bonds and earnings or proceeds from any investments in a trust, defeasance or escrow fund created to defease or refund Combined Utility System obligations until commingled with other earnings and revenues of the

Combined Utility System, or held in a special account for the purpose of paying a rebate to the United States Government under the Code.

(bb) “*Independent Utility Consultant*” means a licensed professional engineer experienced in the design, construction and operation of municipal utilities, or a certified public accountant.

(cc) “*Issue Date*” means, with respect to a Bond, the date of initial issuance and delivery of that Bond to the Purchaser in exchange for the purchase price of that Bond.

(dd) “*Letter of Representations*” means the Blanket Issuer Letter of Representations between the City and DTC, dated February 1, 1999, as it may be amended from time to time, and any successor or substitute letter relating to the operational procedures of the Securities Depository.

(ee) “*MSRB*” means the Municipal Securities Rulemaking Board.

(ff) “*Maintenance and Operation Expense*” means all reasonable expenses incurred by the City in causing the Combined Utility System of the City to be operated and maintained in good repair, working order and condition, but shall not include depreciation or similar accounting reconciliations (including, but not limited to, unfunded expense recognition related to pension liability), or taxes levied or imposed by the City or payments to the City in lieu of taxes. Maintenance and Operation Expense may include payments made to another municipal corporation for water supply or service, or sewage collection or treatment.

(gg) “*Maximum Annual Debt Service*” means, as of any calculation date, the maximum amount of Annual Debt Service which will mature or come due in the current calendar year or any future calendar year.

(hh) “*Net Revenue of the Combined Utility System*” or “*Net Revenue*” means Gross Revenue, less Maintenance and Operation Expense. Net Revenue shall also include withdrawals from, and exclude deposits to, the Rate Stabilization Account (if any) in accordance with Section 16.

(ii) “*Official Statement*” means an offering document, disclosure document, private placement memorandum or substantially similar disclosure document provided to purchasers and potential purchasers in connection with the initial offering of the Bonds in conformance with Rule 15c2-12 or other applicable regulations of the SEC.

(jj) “*Outstanding Parity Bonds*” means the 1998 USDA Bond, the 1999 USDA Bond, and the 2015 USDA Bond. Upon redemption of the Refunded Bonds in accordance with the Refunding Plan on the Issue Date, the Outstanding Parity Bonds shall mean the 2015 USDA Bond.

(kk) “*Owner*” means, without distinction, the Registered Owner and the Beneficial Owner.

(ll) “*Parity Bond Fund*” means that special fund of the City known as the Junior Lien Water and Sewer Revenue Bond Fund created by Ordinance No. 98-2027 of the City for the payment of the principal of and interest on the Parity Bonds.

(mm) “*Parity Bonds*” means the Outstanding Parity Bonds, the Bonds and any Future Parity Bonds.

(nn) “*Parity Conditions*” means, as conditions to the issuance of Future Parity Bonds, the requirements set forth in Exhibit B, which is attached to this ordinance and incorporated by this reference; and as conditions to the issuance of the Bonds, the requirements set forth in Section 12 of Ordinance No. 15-2924, which authorized the issuance of the 2015 USDA Bond.

(oo) “*Permitted Investments*” means any investment that is then permitted as a lawful investment of City funds under state law.

(pp) “*Plan of Additions*” means the improvements described in Exhibit C to this ordinance, which are part of a system or plan of additions and improvements to and betterments and extensions of the Combined Utility System, which improvements are specified, adopted and ordered to be carried out by Section 3 of this ordinance.

(qq) “*Principal and Interest Account*” means the account of that name created in the Parity Bond Fund for the payment of the principal of and interest on the Parity Bonds.

(rr) “*Purchaser*” means D.A. Davidson & Co. of Seattle, Washington, or such other corporation, firm, association, partnership, trust, bank, financial institution or other legal entity or group of entities selected by the Designated Representative to serve as purchaser in a private placement, underwriter or placement agent in a negotiated sale or awarded as the successful bidder in a competitive sale of the Bonds.

(ss) “*Rate Stabilization Account*” means the account of that name created in Section 16 of this ordinance.

(tt) “*Rating Agency*” means any nationally recognized rating agency then maintaining a rating on the Bonds at the request of the City.

(uu) “*Record Date*” means the Bond Registrar’s close of business on the 15th day of the month preceding an interest payment date. With respect to redemption of a Bond prior to its maturity, the Record Date shall mean the Bond Registrar’s close of business on the date on which the Bond Registrar sends the notice of redemption in accordance with Section 9.

(vv) “*Redemption Date*” means, with respect to the Refunded Bonds, a date that is selected by the Designated Representative, but is no later than five Business Days after the Issue Date.

(ww) “*Refunded Bonds*” means the 1998 USDA Bond and the 1999 USDA Bond.

(xx) “*Refunded Bond Ordinance(s)*” means, as applicable, Ordinance No. 98-2027 (authorizing the issuance of the 1998 USDA Bond) and Ordinance No. 99-2072 (authorizing the issuance of the 1999 USDA Bond).

(yy) “*Refunding Plan*” means the application of proceeds of the Bonds, and other money of the City, if necessary, to the payment and redemption on the Redemption Date of the entire principal balance of the Refunded Bonds plus all interest accrued to that Redemption Date, in order to discharge the obligations of the City relating to the Refunded Bonds under the Refunded Bond Ordinances.

(zz) “*Registered Owner*” means, with respect to a Bond, the person in whose name that Bond is registered on the Bond Register. For so long as the City utilizes the book-entry only system for the Bonds under the Letter of Representations, Registered Owner shall mean the Securities Depository.

(aaa) “*Reserve Account*” means the account of that name created in the Parity Bond Fund for the purpose of securing the payment of the principal of and interest on the Parity Bonds.

(bbb) “*Reserve Requirement*” means:

(1) With respect to the Bonds, the Reserve Requirement means the least of (i) Maximum Annual Debt Service on the Parity Bonds, or (ii) 125% of Average Annual Debt Service on the Parity Bonds. In no event shall this amount be greater than 10% of the issue price of the Bonds. In lieu of a deposit of cash and/or investments on the Issue Date, the City may satisfy the incremental additional Reserve Requirement for the Bonds (i.e., the difference between the Reserve Requirement under this paragraph and the Reserve Requirement under Ordinance No. 15-2924 for the 2015 USDA Bond) by the deposit of approximately equal semiannual installments of Net Revenues (or other money of the City) available for such purpose so that the required additional amount is accumulated no later than ten years after the Issue Date (or such shorter period as may be deemed appropriate by the Finance Officer).

(2) For any Future Parity Bonds, an amount to be set forth in the ordinance authorizing such Future Parity Bonds. In no event shall this additional amount cause the total of the Reserve Requirements for all then-outstanding Parity Bonds to be greater than the least of (i) Maximum Annual Debt Service on all Parity Bonds, (ii) 125% of Average Annual Debt Service on all Parity Bonds, and (iii) 10% of the issue price of all Parity Bonds. In lieu of a deposit of cash and/or investments on the issue date of such Future Parity Bonds, the City may satisfy the incremental additional Reserve Requirement for any series of Future Parity Bonds by (A) the deposit of a Reserve Security in a stated amount equal to the required additional amount, or (B) the deposit of approximately equal semiannual installments of Net Revenues (or other money of the City) available for such purpose so that the required additional amount is accumulated no later than ten years after the issue date of the Future Parity Bonds.

(ccc) “*Reserve Security*” means any bond insurance, reserve insurance, collateral, security, letter of credit, guaranty, surety bond or similar credit enhancement device providing for or security the payment of all or part of the principal of and interest on Parity Bonds, which is non-cancelable and is issued by a person that has been assigned, at the time such security is

acquired by the City, a credit rating in the highest two rating categories by each Rating Agency (without regard to gradations within those categories).

(ddd) “*Rule 15c2-12*” means Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934, as amended.

(eee) “*SEC*” means the United States Securities and Exchange Commission.

(fff) “*Sale Terms*” means the terms and conditions for the sale of the Bonds including the amount, date or dates, denominations, interest rate or rates (or mechanism for determining interest rate or rates), payment dates, final maturity, redemption rights, price, and other terms or covenants, including minimum savings for refunding bonds (if the refunding bonds are issued for savings purposes), all as set forth in Exhibit A, which is incorporated by this reference.

(ggg) “*Securities Depository*” means DTC, any successor thereto, any substitute securities depository selected by the City that is qualified under applicable laws and regulations to provide the services proposed to be provided by it, or the nominee of any of the foregoing.

(hhh) “*Separate System*” means a Separate System as described in Section 17 of this ordinance.

(iii) “*State*” means the State of Washington.

(jjj) “*System of Registration*” means the system of registration for the City’s bonds and other obligations set forth in Ordinance No. 1342 of the City.

(kkk) “*Term Bond Maturity Year*” means any last maturity year in which the bonds of any one issue or series now or hereafter scheduled to mature (regardless of any reservation of prior redemption rights) is more than two times the average annual principal maturity of the bonds of such issue or series for the five years immediately preceding such year.

(lll) “*Term Bonds*” means those outstanding bonds of any single issue or series scheduled to mature in any Term Bond Maturity Year.

(mmm) “*ULID*” means a utility local improvement district created by the City for the acquisition or construction of additions to and extensions and betterments of the Combined Utility System.

(nnn) “*ULID Assessments*” means all assessments levied and collected in respect of a ULID financed through the issuance of Parity Bonds, if and only if such assessments are pledged to be paid into the Parity Bond Fund. ULID Assessments shall include installments thereof and any interest or penalties which may be due thereon, but shall exclude any prepaid assessments paid or to be paid into a construction fund or account.

(ooo) “*USDA Consent*” means the consent to issuance of the Bonds as Future Parity Bonds, as required under Ordinance No. 15-2924, authorizing issuance of the 2015 USDA Bond.

(ppp) “*Undertaking*” means the undertaking to provide continuing disclosure entered into pursuant to Section 22 of this ordinance.

Section 3. Authorization of Bonds. In accordance with the conditions and parameters set forth in this ordinance, the City is authorized to issue its combined utility revenue refunding bonds evidencing indebtedness in the amount of not to exceed \$5,000,000 to provide the funds necessary (1) to carry out the Plan of Additions, (2) to make a deposit to the Reserve Account, (3) to refund the City’s outstanding 1998 USDA Bond and 1999 USDA Bond, and (4) to pay the costs of issuance of the Bonds. The Designated Representative may proceed to sell the Bonds only if he or she is satisfied that all Parity Conditions have been met, including that the City has on file a certificate as required for the issuance of Future Parity Bonds and has obtained the USDA Consent.

Section 4. Call for Redemption of the Refunded Bonds; Adoption of Plan of Additions.

(a) *Call for Redemption of Refunded Bonds.* Upon a determination by the Designated Representative that a refunding of the 1998 USDA Bond and the 1999 USDA Bond (together, the “Refunded Bonds”) pursuant to the Refunding Plan will result in a savings to the City within the parameters set forth in Exhibit A, the Refunded Bonds may be refunded by the issuance of the Bonds. The City therefore authorizes and directs the Finance Officer to call the Refunded Bonds for redemption as soon as practicable on or after the Issue Date. Such call for redemption shall be irrevocable after the delivery of the Bonds to the Purchaser. The proper City officials may adjust the Redemption Date as may be necessary to accomplish the repayment of the Refunded Bonds, and those officials are authorized and directed to give or cause to be given such notice as required, at the time and in the manner required, pursuant to the Refunded Bond Ordinances in order to effect the repayment of the Refunded Bonds.

(b) *Adoption of Plan of Additions.* The City specifies, adopts and orders the carrying out of the improvements described in Exhibit C as a portion of a system or plan of additions to and betterments and extensions of the Combined Utility System. The Plan of Additions shall be carried out in accordance with the plans and specifications therefor prepared by the City’s engineers and consulting engineers. The City Council may modify the details of the Plan of Additions where, in its judgment, it appears advisable if such modifications do not substantially alter the purposes of that system or plan. The proceeds of the Bonds allocated to paying the cost of the Plan of Additions shall be used to carry out the Plan of Additions, or a portion of the Plan of Additions, in such order of time as the City determines is advisable and practicable. The City may modify details of the Plan of Additions as it finds necessary or advisable. The cost of the improvements to be constructed as part of the Plan of Additions, including the cost of issuance and sale of the Bonds, shall be paid from the proceeds of the Bonds and from other money available to the Combined Utility System.

Section 5. Description of the Bonds; Appointment of Designated Representative. The Finance Officer is appointed as the Designated Representative of the City and is authorized to approve the Sale Terms, with such additional terms and covenants as the Designated Representative deems advisable, and to conduct the sale of the Bonds in the manner and upon the terms deemed most advantageous to the City, consistent with the conditions and parameters set forth in this ordinance.

Section 6. Bond Registrar; Registration and Transfer of Bonds.

(a) *Registration of Bonds.* Each Bond shall be issued only in registered form as to both principal and interest and the ownership of each Bond shall be recorded on the Bond Register.

(b) *Bond Registrar; Duties.* The Fiscal Agent is appointed as initial Bond Registrar. The Bond Registrar shall keep, or cause to be kept, sufficient books for the registration and transfer of the Bonds, which shall be open to inspection by the City at all times. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of the Bonds and this ordinance, to serve as the City's paying agent for the Bonds and to carry out all of the Bond Registrar's powers and duties under this ordinance and the System of Registration. The Bond Registrar shall be responsible for its representations contained in the Bond Registrar's Certificate of Authentication on each Bond. The Bond Registrar may become an Owner with the same rights it would have if it were not the Bond Registrar and, to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as members of, or in any other capacity with respect to, any committee formed to protect the rights of Owners.

(c) *Bond Register; Transfer and Exchange.* The Bond Register shall contain the name and mailing address of each Registered Owner and the principal amount and number of each Bond held by each Registered Owner. A Bond surrendered to the Bond Registrar may be exchanged for a Bond or Bonds in any Authorized Denomination of an equal aggregate principal amount and of the same interest rate and maturity. A Bond may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Any exchange or transfer shall be without cost to the Owner or transferee. The Bond Registrar shall not be obligated to exchange any Bond or transfer registered ownership during the period between the applicable Record Date and the next upcoming interest payment or redemption date.

(d) *Securities Depository; Book-Entry Only Form.* If a Bond is to be issued in book-entry form, DTC shall be appointed as initial Securities Depository and each such Bond initially shall be registered in the name of Cede & Co., as the nominee of DTC. Each Bond registered in the name of the Securities Depository shall be held fully immobilized in book-entry only form by the Securities Depository in accordance with the provisions of the Letter of Representations. Registered ownership of any Bond registered in the name of the Securities Depository may not be transferred except: (i) to any successor Securities Depository; (ii) to any substitute Securities Depository appointed by the City; or (iii) to any person if the Bond is no longer to be held in book-entry only form. Upon the resignation of the Securities Depository, or upon a termination of the services of the Securities Depository by the City, the City may appoint a substitute Securities Depository. If (i) the Securities Depository resigns and the City does not appoint a substitute Securities Depository, or (ii) the City terminates the services of the Securities Depository, the Bonds no longer shall be held in book-entry only form and the registered ownership of each Bond may be transferred to any person as provided in this ordinance. Neither the City nor the Bond Registrar shall have any obligation to participants of any Securities Depository or the persons for whom they act as nominees regarding accuracy of any records maintained by the Securities Depository or its participants. Neither the City nor the Bond Registrar shall be responsible for any notice that is permitted or required to be given to a

Registered Owner except such notice as is required to be given by the Bond Registrar to the Securities Depository.

Section 7. Form and Execution of Bonds.

(a) *Form of Bonds; Signatures and Seal.* Each Bond shall be prepared in a form consistent with the provisions of this ordinance and State law. Each Bond shall be signed by the Mayor and the City Clerk, either or both of whose signatures may be manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon. If any officer whose manual or facsimile signature appears on a Bond ceases to be an officer of the City authorized to sign bonds before the Bond bearing his or her manual or facsimile signature is authenticated by the Bond Registrar, or issued or delivered by the City, that Bond nevertheless may be authenticated, issued and delivered and, when authenticated, issued and delivered, shall be as binding on the City as though that person had continued to be an officer of the City authorized to sign bonds. Any Bond also may be signed on behalf of the City by any person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign bonds, although he or she did not hold the required office on its Issue Date.

(b) *Authentication.* Only a Bond bearing a Certificate of Authentication in substantially the following form, manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance: "Certificate Of Authentication. This Bond is one of the fully registered City of Prosser, Washington, Combined Utility System Revenue Refunding Bonds, 2015, described in the Bond Ordinance." The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this ordinance.

Section 8. Payment of Bonds. Principal of and interest on each Bond shall be payable in lawful money of the United States of America. Principal of and interest on each Bond registered in the name of the Securities Depository is payable in the manner set forth in the Letter of Representations. Interest on each Bond not registered in the name of the Securities Depository is payable by electronic transfer on the interest payment date, or by check or draft of the Bond Registrar mailed on the interest payment date to the Registered Owner at the address appearing on the Bond Register on the Record Date. However, the City is not required to make electronic transfers except pursuant to a request by a Registered Owner in writing received on or prior to the Record Date and at the sole expense of the Registered Owner. Principal of each Bond not registered in the name of the Securities Depository is payable upon presentation and surrender of the Bond by the Registered Owner to the Bond Registrar. The Bonds are not subject to acceleration under any circumstances.

Section 9. Redemption Provisions and Purchase of Bonds.

(a) *Optional Redemption.* The Bonds shall be subject to redemption at the option of the City on terms acceptable to the Designated Representative, as set forth in the Bond Purchase Agreement, consistent with the parameters set forth in Exhibit A.

(b) *Mandatory Redemption.* Each Bond that is designated as a Term Bond in the Bond Purchase Agreement, consistent with the parameters set forth in Exhibit A and except as set forth below, shall be called for redemption at a price equal to the stated principal amount to be redeemed, plus accrued interest, on the dates and in the amounts as set forth in the Bond Purchase Agreement. If a Term Bond is redeemed under the optional redemption provisions, defeased or purchased by the City and surrendered for cancellation, the principal amount of the Term Bond so redeemed, defeased or purchased (irrespective of its actual redemption or purchase price) shall be credited against one or more scheduled mandatory redemption installments for that Term Bond. The City shall determine the manner in which the credit is to be allocated and shall notify the Bond Registrar in writing of its allocation prior to the earliest mandatory redemption date for that Term Bond for which notice of redemption has not already been given.

(c) *Selection of Bonds for Redemption; Partial Redemption.* If fewer than all of the outstanding Bonds are to be redeemed at the option of the City, the City shall select the maturities to be redeemed. If fewer than all of the outstanding Bonds of a maturity are to be redeemed, the Securities Depository shall select Bonds registered in the name of the Securities Depository to be redeemed in accordance with the Letter of Representations, and the Bond Registrar shall select all other Bonds to be redeemed randomly in such manner as the Bond Registrar shall determine. All or a portion of the principal amount of any Bond that is to be redeemed may be redeemed in any Authorized Denomination. If less than all of the outstanding principal amount of any Bond is redeemed, upon surrender of that Bond to the Bond Registrar, there shall be issued to the Registered Owner, without charge, a new Bond (or Bonds, at the option of the Registered Owner) of the same maturity and interest rate in any Authorized Denomination in the aggregate principal amount to remain outstanding.

(d) *Notice of Redemption.* Notice of redemption of each Bond registered in the name of the Securities Depository shall be given in accordance with the Letter of Representations. Notice of redemption of each other Bond, unless waived by the Registered Owner, shall be given by the Bond Registrar not less than 20 nor more than 60 days prior to the date fixed for redemption by first-class mail, postage prepaid, to the Registered Owner at the address appearing on the Bond Register on the Record Date. The requirements of the preceding sentence shall be satisfied when notice has been mailed as so provided, whether or not it is actually received by an Owner. In addition, the redemption notice shall be mailed or sent electronically within the same period to the MSRB (if required under the Undertaking), to each Rating Agency, and to such other persons and with such additional information as the Finance Officer shall determine, but these additional mailings shall not be a condition precedent to the redemption of any Bond.

(e) *Rescission of Optional Redemption Notice.* In the case of an optional redemption, the notice of redemption may state that the City retains the right to rescind the redemption notice and the redemption by giving a notice of rescission to the affected Registered Owners at any time prior to the scheduled optional redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and each Bond for which a notice of optional redemption has been rescinded shall remain outstanding.

(f) *Effect of Redemption.* Interest on each Bond called for redemption shall cease to accrue on the date fixed for redemption, unless either the notice of optional redemption is

rescinded as set forth above, or money sufficient to effect such redemption is not on deposit in the Bond Fund or in a trust account established to refund or defease the Bond.

(g) *Purchase of Bonds.* The City reserves the right to purchase any or all of the Bonds offered to the City at any time at any price acceptable to the City plus accrued interest to the date of purchase.

Section 10. Pledge of Revenue and Lien Position; Failure to Pay Bonds. The Net Revenue, together with all ULID Assessments (if any), is pledged irrevocably to the payment of the Parity Bonds, and the Parity Bonds shall constitute a lien and charge upon the Net Revenue and ULID Assessments prior and superior to any other charges whatsoever. If any Bond is not paid when properly presented at its maturity date or date fixed for redemption, the City shall be obligated to pay interest on that Bond at the same rate provided in the Bond from and after its maturity or date fixed for redemption until that Bond, both principal and interest, is paid in full or until sufficient money for its payment in full is on deposit in the Bond Fund and the Bond has been called for payment by giving notice of that call to the Registered Owner. The Bonds are not subject to acceleration under any circumstances.

Section 11. Payments into the Parity Bond Fund. The Parity Bond Fund has previously been created in the office of the Finance Director and is divided into a Principal and Interest Account and a Reserve Account.

(a) *Payments into the Parity Bond Fund.* So long as any of the Bonds are outstanding against the Parity Bond Fund, the City irrevocably pledges to set aside and pay, in accordance with the flow of funds in Section 13, into the Principal and Interest Account all ULID Assessments pledged to that fund and, out of the Net Revenue, certain fixed amounts without regard to any fixed proportion, namely:

- (1) Into the Principal and Interest Account, on or before each interest payment date, an amount from Net Revenue which, together with ULID Assessments and other money on deposit therein, will equal the amount of interest or principal and interest on Parity Bonds coming due; and
- (2) Into the Reserve Account, such amount as may be necessary, together with other money on deposit therein, to equal the aggregate Reserve Requirement for the then-outstanding Parity Bonds.

The City may provide for the purchase or redemption of bonds payable from the Parity Bond Fund by the use of money on deposit in any account in the Parity Bond Fund as long as the money remaining in those accounts is sufficient to satisfy the required deposits in those accounts for the remaining bonds outstanding payable from the Parity Bond Fund. When the total amount in the Parity Bond Fund shall equal the total amount of principal and interest for all outstanding bonds payable out of the Parity Bond Fund to the last maturity thereof, no further payment need be made into the Parity Bond Fund. If the City shall fail to set aside and pay into the Parity Bond Fund the amounts which it has obligated itself by this section to set aside and pay therein, the owner of the Bonds may bring suit against the City to compel it to do so. The City may transfer any money from any funds or accounts of the City legally available therefore, except bond

redemption funds, refunding trust accounts or defeasance accounts, to meet the required payments to be made into the Bond Fund.

(b) *Principal and Interest Account.* If there is a deficiency in the Principal and Interest Account in the Parity Bond Fund to meet maturing installments of either principal or interest, as the case may be, such deficiency shall be made up by the withdrawal of cash or liquidation of investments in the Reserve Account, or by drawing on a Reserve Security (if any).

(c) *Reserve Account.* Except for withdrawals as authorized for the payment of Parity Bonds, the Reserve Account shall be maintained at the total Reserve Requirement amount for all Parity Bonds at all times so long as any Parity Bonds are outstanding. Any deficiency created in the Reserve Account by reason of any such withdrawal (including any reduction in the amount available with respect to any Reserve Security by reason of a draw), shall then be made up from the Net Revenue first available after making necessary provisions for the required payments into the Principal and Interest Account. The money and investments in the Reserve Account otherwise shall be held intact and may be applied against the last outstanding Parity Bonds, except that if the Reserve Account is fully funded, any money in excess of the Reserve Requirement may be withdrawn and deposited into the Principal and Interest Account and spent for the purpose of retiring Parity Bonds, or may be deposited in any other fund and spent for any other lawful Combined Utility System purpose.

(d) *Application and Investment of Funds.* All money in the Parity Bond Fund may be kept on deposit in the official bank depository of the City, or may be invested in Permitted Investments. Earnings on any such investments or on such bank deposits shall be deposited in and become a part of the account from which such investments are made, except that when the total Reserve Requirement shall have been accumulated in the Reserve Account, earnings from investments in the Reserve Account shall be deposited in the Principal and Interest Account. Notwithstanding the provisions for the deposit of earnings, any earnings which are subject to a federal tax or rebate requirement may be withdrawn from the Parity Bond Fund for deposit into a separate fund or account for that purpose.

Section 12. Deposit of Bond Proceeds. On the Issue Date, proceeds of the Bonds shall be deposited as follows:

(a) *Reserve Account.* Proceeds of the Bonds in an amount sufficient to satisfy the Reserve Requirement shall be deposited into the Reserve Account.

(b) *Parity Bond Fund.* Proceeds of the sale of the Bonds in an amount sufficient to carry out the Refunding Plan, shall be deposited into the Parity Bond Fund and applied immediately to carry out the Refunding Plan.

(c) *Construction Fund.* The remaining proceeds of the Bonds shall be deposited in the Construction Fund and be used to pay the costs of carrying out the Plan of Additions and to pay the costs of issuance and sale of the Bonds. Until needed to pay such costs, the City may invest those proceeds temporarily in any legal investment, and the investment earnings shall be retained in the Construction Fund and used for the purposes of that fund, except that earnings

subject to a federal tax or rebate requirement (if applicable) may be withdrawn from the Construction Fund and used for those tax or rebate purposes.

Section 13. Flow of Funds. The Gross Revenue shall be credited to the Combined Utility System Fund (and the component utility funds or accounts therein) as it is collected and shall be held separate and apart from other funds and accounts of the City. Money in the Combined Utility System Fund shall be used for the following purposes only and shall be applied in the following order of priority:

- (a) To pay Maintenance and Operation Expense;
- (b) To make all payments required to be made into the Principal and Interest Account of the Parity Bond Fund for all Parity Bonds in respect of interest on the Parity Bonds;
- (c) To make all payments required to be made into the Principal and Interest Account of the Parity Bond Fund for all Parity Bonds in respect of principal of the Parity Bonds (including installments of principal of Term Bonds);
- (d) To make all payments required to be made into the Reserve Account;
- (e) To make all payments required to be made into any revenue bond redemption fund or warrant redemption fund and debt service account or reserve account created to pay or secure the payment of the principal of and interest on any revenue bonds, revenue warrants or other revenue obligations of the City having a lien upon the Net Revenue subordinate to the lien thereon for the payment of the principal of and interest on any Parity Bonds; and
- (f) To retire by redemption or to purchase in the open market any outstanding revenue bonds or other revenue obligations of the Combined Utility System, to make necessary additions, betterments, improvements and repairs to or extensions and replacements of the Combined Utility System, or for any other lawful Combined Utility System purpose.

Section 14. Bond Covenants. In addition to the other covenants set forth in this ordinance, the City covenants with the Owner of each Bond, as follows:

- (a) *Maintenance of Combined Utility System.* The City covenants that it will at all times maintain and keep the Combined Utility System in good repair, working order and condition, and also will at all times operate that Combined Utility System and the business in connection therewith in an efficient manner and at a reasonable cost.
- (b) *Rates and Charges; Coverage.* So long as any of the Parity Bonds are outstanding, the City will establish, maintain and collect such rates and charges for water, sewer and other Combined Utility System supply or services furnished which, together with the collection of ULID Assessments, will make available Net Revenue sufficient to satisfy the Coverage Requirement.
- (c) *Sale or Disposition of Combined Utility System Property.* The City will not sell, lease, mortgage or in any manner encumber or dispose of all the property of the Combined Utility System unless provision is made for payment into the Bond Fund of a sum sufficient to

pay the principal of and interest on all Parity Bonds then outstanding. Further, the City will not sell, lease, mortgage, or in any manner encumber or dispose of (each, a “disposition”) any part of the property of the Combined Utility System that is used, useful and material to the operation thereof (the “affected portion”) unless provision is made for replacement thereof or for payment into the Bond Fund of an amount which shall bear the same ratio to the amount of Parity Bonds then outstanding (less the amount of cash and investments in the Bond Fund and the accounts therein) as (i) the Net Revenue from affected portion of the Combined Utility System for the twelve months preceding such disposition bears to (ii) the Net Revenue from the entire Combined Utility System for the same period. Any money paid into the Bond Fund as a result of such a disposition shall be used to retire that proportion of then-outstanding Parity Bonds at the earliest possible date.

(d) *Books and Accounts.* The City will maintain complete books and records relating to the operation of the Combined Utility System and its financial affairs, and will cause such books and records to be audited annually, and cause to be prepared an annual financial and operating statement, which shall be provided to any owner of Parity Bonds upon request.

(e) *No Free Service.* For so long as the Parity Bonds are outstanding, the City will not furnish water or sewer services to any customer whatsoever free of charge (except to aid the poor or infirm, to provide resource conservation or to provide for the proper handling of hazardous materials) and it shall take such legal action as may be feasible to enforce collection of all collectible delinquent accounts and proceed with the foreclosure of the delinquent ULID Assessments or delinquent installments thereof in the shortest time period provided by law.

(f) *Insurance.* The City will at all times carry fire and such other forms of insurance on such of the buildings, equipment, facilities and properties of the Combined Utility System as are ordinarily carried on such buildings, equipment, facilities, and properties by utilities engaged in the operation of similar utility systems. The City may self-insure or participate in a joint intergovernmental insurance pool or similar plan, and the cost of that insurance or self-insurance shall be considered a part of Operating and Maintenance Expenses.

(g) *ULID Assessments.* All ULID Assessments shall be paid into the Parity Bond Fund and may only be used to pay the principal of and interest on the Parity Bonds, without those ULID Assessments being particularly allocated to the payment of on any particular series of Parity bonds. Nothing in this ordinance prohibits the City from pledging utility local improvement district assessments to the repayment of subordinate lien revenue obligations issued to finance improvements in lieu of financing such improvements by issuing Parity Bonds.

Section 15. Parity Conditions. The City reserves the right to issue Future Parity Bonds which will constitute a charge and lien upon the Net Revenue and ULID Assessments on parity with the Bonds and the Outstanding Parity Bonds if the Parity Conditions are met and complied with at the time of the issuance of those Future Parity Bonds. All Future Parity Bonds shall have a lien equal in rank to that of the Parity Bonds against funds pledged herein and shall be payable equally and ratably from the Parity Bond Fund without preference, priority or distinction because of date of issue. Nothing contained in the Parity Conditions shall prevent the City from issuing revenue obligations having a lien on the Net Revenue that is junior to the lien thereon that secures the Parity Bonds, or from pledging to pay into a bond redemption fund or account for such junior lien obligations assessments (including interest and penalties thereon) in any utility

local improvement district that are levied to pay part or all of the cost of improvements being constructed out of the proceeds of the sale of such junior lien obligations. Neither shall anything contained in this ordinance prevent the City from issuing revenue obligations to refund maturing Parity Bonds for the payment of which money is not otherwise available.

Section 16. Rate Stabilization Account. *Upon redemption or defeasance of the 2015 USDA Bond, the following section shall go into effect:* The Rate Stabilization Account is hereby created within the Combined Utility System Fund. Deposits to and withdrawals from the Rate Stabilization Account shall be made in accordance with this section at any time up to and including the date 90 days after the end of the fiscal year for which the deposit or withdrawal will be included in the calculation of Net Revenue for that fiscal year, as set forth in this this section. The City may at any time, as determined by the Finance Officer and as consistent with the covenants contained in this ordinance, deposit into the Rate Stabilization Account amounts of Gross Revenue and any other money received by the Combined Utility System and available to be used therefor, excluding principal proceeds of Parity Bonds or other borrowing. However, no deposit of Gross Revenue may be made into the Rate Stabilization Account to the extent that such deposit would prevent the City from meeting the Coverage Requirement in the relevant fiscal year. The City may withdraw money from the Rate Stabilization Account at any time upon authorization of the City Council (which may be by motion, resolution or ordinance) for inclusion in the Net Revenue, except that the total amount withdrawn from the Rate Stabilization Account in any fiscal year may not exceed the Annual Debt Service in that year. Earnings from investments in the Rate Stabilization Account shall be deposited in that account and shall not be included as Net Revenue unless and until withdrawn from that account.

Section 17. Separate Systems. The City may create, acquire, construct, finance, own and operate one or more additional systems for water supply; sewer service; water, sewage or stormwater transmission or treatment; or other utility commodity or service. The revenue of that Separate System shall not be included in the Gross Revenue and may be pledged and (along with any utility local improvement district assessments payable solely with respect to improvements to a Separate System) to the payment of revenue obligations issued to purchase, construct, condemn or otherwise acquire or expand that Separate System. Neither the Gross Revenue nor the Net Revenue may be pledged to the payment of any obligations of a Separate System except that the Net Revenue may be pledged on a basis subordinate to the lien of the Parity Bonds.

Section 18. Tax Covenants.

(a) *Preservation of Tax Exemption for Interest on Bonds.* The City covenants that it will take all actions necessary to prevent interest on the Bonds from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of the Bonds or other funds of the City treated as proceeds of the Bonds that will cause interest on the Bonds to be included in gross income for federal income tax purposes. The City also covenants that it will, to the extent the arbitrage rebate requirements of Section 148 of the Code are applicable to the Bonds, take all actions necessary to comply (or to be treated as having complied) with those requirements in connection with the Bonds.

(b) *Post-Issuance Compliance.* The Finance Officer is authorized and directed to adopt, review and update, as necessary, the City's written procedures to facilitate compliance by

the City with the covenants in this ordinance and the applicable requirements of the Code that must be satisfied after the Issue Date to prevent interest on the Bonds from being included in gross income for federal tax purposes.

(c) *Designation of Bonds as “Qualified Tax-Exempt Obligations.”* The Bonds shall be designated as “qualified tax-exempt obligations” for the purposes of Section 265(b)(3) of the Code, if the Designated Representative determines that following conditions are met:

- (1) the Bonds do not constitute “private activity bonds” within the meaning of Section 141 of the Code;
- (2) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) that the City and any entity subordinate to the City (including any entity that the City controls, that derives its authority to issue tax-exempt obligations from the City, or that issues tax-exempt obligations on behalf of the City) will issue during the calendar year in which the Bonds are issued will not exceed \$10,000,000; and
- (3) the amount of tax-exempt obligations, including the Bonds, designated by the City as “qualified tax-exempt obligations” for the purposes of Section 265(b)(3) of the Code during the calendar year in which the Bonds are issued does not exceed \$10,000,000.

Section 19. Refunding or Defeasance of the Bonds. The City may issue refunding bonds pursuant to State law or use money available from any other lawful source to carry out a refunding or defeasance plan, which may include (a) paying when due the principal of and interest on any or all of the Bonds (the “defeased Bonds”); (b) redeeming the defeased Bonds prior to their maturity; and (c) paying the costs of the refunding or defeasance. If the City sets aside in a special trust fund or escrow account irrevocably pledged to that redemption or defeasance (the “trust account”), money and/or Government Obligations maturing at a time or times and bearing interest in amounts sufficient to redeem, refund or defease the defeased Bonds in accordance with their terms, then all right and interest of the Owners of the defeased Bonds in the covenants of this ordinance and in the funds and accounts obligated to the payment of the defeased Bonds shall cease and become void. Thereafter, the Owners of defeased Bonds shall have the right to receive payment of the principal of and interest on the defeased Bonds solely from the trust account and the defeased Bonds shall be deemed no longer outstanding. In that event, the City may apply money remaining in any fund or account (other than the trust account) established for the payment or redemption of the defeased Bonds to any lawful purpose. Unless otherwise specified by the City in a refunding or defeasance plan, notice of refunding or defeasance shall be given, and selection of Bonds for any partial refunding or defeasance shall be conducted, in the manner prescribed in this ordinance for the redemption of Bonds.

Section 20. Sale and Delivery of the Bonds; Parity Certificate.

(a) *Manner of Sale of Bonds; Delivery of Bonds.* The Designated Representative is authorized to sell the Bonds by negotiated sale or private placement based on the assessment of

the Designated Representative of market conditions, in consultation with appropriate City officials and staff, Bond Counsel and other advisors. In determining the method of sale of the Bonds and accepting the Sale Terms, the Designated Representative shall take into account those factors that, in the judgment of the Designated Representative, may be expected to result in the lowest true interest cost to the City.

(b) *Procedure for Negotiated Sale or Private Placement.* If the Designated Representative determines that the Bonds are to be sold by negotiated sale or private placement, the Designated Representative shall select one or more Purchasers with which to negotiate such sale. The Bond Purchase Agreement for the Bonds shall set forth the Sale Terms. The Designated Representative is authorized to execute the Bond Purchase Agreement on behalf of the City, so long as the terms provided therein are consistent with the terms of this ordinance.

(c) *Preparation, Execution and Delivery of the Bonds.* The Bonds will be prepared at City expense and will be delivered to the Purchaser in accordance with the Bond Purchase Agreement, together with the approving legal opinion of Bond Counsel regarding the Bonds.

Section 21. Redemption of the Refunded Bonds. The proceeds of the sale of the Bonds allocated to the Refunding shall be deposited immediately upon the receipt into the Parity Bond Fund or paid directly to USDA to carry out the Refunding Plan and to discharge the obligations of the City relating to the Refunded Bonds under the Refunded Bond Ordinances. The proceeds of the Bonds so applied will discharge and satisfy the obligations of the City under the Refunded Bond Ordinances with respect to the Refunded Bonds, and the pledges, charges, trusts, covenants and agreements of the City therein made or provided for as to the Refunded Bonds, and that the Refunded Bonds shall no longer be deemed to be outstanding under the Refunded Bond Ordinances immediately upon the deposit of such money in the Parity Bond Fund. Bond proceeds remaining in the Parity Bond Fund after the Refunding Plan has been accomplished shall be deposited into the Principal and Interest Account. Pending application as set forth in the Refunding Plan, all proceeds of the Bonds deposited into the Parity Bond Fund and any income therefrom shall be held irrevocably, invested and applied in accordance with the provisions of the Refunded Bond Ordinances, this ordinance, Chapter 39.53 RCW and other applicable statutes of the State.

Section 22. Official Statement; Continuing Disclosure.

(a) *Preliminary Official Statement Deemed Final.* The Designated Representative shall review and, if acceptable to him or her, approve the preliminary Official Statement prepared in connection with the sale of the Bonds to the public or through a Purchaser as a placement agent. For the sole purpose of the Purchaser's compliance with paragraph (b)(1) of Rule 15c2-12, if applicable, the Designated Representative is authorized to deem that preliminary Official Statement final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12. The City approves the distribution to potential purchasers of the Bonds of a preliminary Official Statement that has approved by the Designated Representative and been deemed final, if applicable, in accordance with this subsection.

(b) *Approval of Final Official Statement.* The City approves the preparation of a final Official Statement for the Bonds to be sold to the public in the form of the preliminary Official

Statement that has been approved and deemed final in accordance with subsection (a), with such modifications and amendments as the Designated Representative deems necessary or desirable, and further authorizes Designated Representative to execute and deliver such final Official Statement to the Purchaser if required under Rule 15c2-12. The City authorizes and approves the distribution by the Purchaser of the final Official Statement so executed and delivered to purchasers and potential purchasers of the Bonds.

(c) *Undertaking to Provide Continuing Disclosure.* If necessary to meet the requirements of paragraph (b)(5) of Rule 15c2-12, as applicable to the Purchaser acting as a participating underwriter for the Bonds, the Designated Representative is authorized to execute a written undertaking to provide continuing disclosure for the benefit of holders of the Bonds in substantially the form attached as Exhibit D.

Section 23. Amendatory Ordinances. This ordinance shall not be modified or amended in any respect subsequent to the initial issuance of the Bonds, except as provided in and in accordance with and subject to the provisions of this section.

(a) *Certain Amendments Permitted.* The City, from time to time, and at any time, without the consent of or notice to the Owners of the Bonds, may pass amendatory ordinances as follows:

- (1) To cure any formal defect, omission, inconsistency or ambiguity in this ordinance in a manner not adverse to the owner of any Parity Bonds;
- (2) To impose upon the Bond Registrar (with its consent) for the benefit of the registered owners of the Parity Bonds any additional rights, remedies, powers, authority, security, liabilities or duties which may lawfully be granted, conferred or imposed and which are not contrary to or inconsistent with this ordinance as theretofore in effect;
- (3) To add to the covenants and agreements of, and limitations and restrictions upon, the City in this ordinance, other covenants, agreements, limitations and restrictions to be observed by the City which are not contrary or inconsistent with this ordinance as theretofore in effect;
- (4) To confirm, as further assurance, any pledge under, and the subjection to any claim, lien or pledge created or to be created by this ordinance of any other money, securities or funds;
- (5) To authorize different denominations of the Bonds and to make correlative amendments and modifications to this ordinance regarding exchangeability of Bonds of different authorized denominations, redemptions of portions of Bonds of particular authorized denominations and similar amendments and modifications of a technical nature;
- (6) To modify, alter, amend or supplement this ordinance in any other respect which is not materially adverse to the registered owners of the Parity Bonds and which does not involve a change described in subsection (b) of this section; and
- (7) Because of change in federal law or rulings, to maintain the exclusion from gross income of the interest on the Bonds from federal income taxation.

(b) *Certain Amendments Requiring Consent of Owners.* Except for any amendatory ordinance passed into pursuant to subsection (a) of this section, subject to the terms and provisions contained in this subsection (b) and not otherwise:

- (1) Registered owners of not less than 50% in aggregate principal amount of the Parity Bonds then outstanding shall have the right from time to time to consent to the passage of any amendatory ordinance deemed necessary or desirable by the City for the purpose of modifying, altering, amending, supplementing or rescinding, in any particular, any of the terms or provisions contained in this ordinance. However, consent by the registered owners of all the Bonds then outstanding is required for any amendatory ordinance authorizing: (i) a change in the times, amounts or currency of payment of the principal of or interest on any outstanding Bond, or a reduction in the principal amount of redemption price of any outstanding Bond or a change in the redemption price of any outstanding Bond or a change in the method of determining the rate of interest thereon; (ii) a preference of priority of any Bond or Bonds or any other bond or bonds; or (iii) a reduction in the aggregate principal amount of Bonds.
- (2) Any amendatory ordinance passed for any of the purposes of this subsection (b), shall not become effective except in accordance with this subsection (b)(2). Upon passage of any such amendatory ordinance, the City shall cause notice of the proposed ordinance to be given by first class United States mail to all registered owners of the then outstanding Parity Bonds and to the Rating Agency. Such notice shall briefly describe the proposed ordinance and shall state that a copy is available from the Finance Director for inspection. The amendatory ordinance shall become effective in substantially the form described in the notice only if within two years after mailing of such notice, the City has received (i) the required consents, in writing, of the registered owners of the Parity Bonds (or of the Bonds, as applicable) and (ii) an opinion of Bond Counsel stating that such amendatory ordinance is permitted by this ordinance; that upon the effective date thereof, it will be valid and binding upon the City in accordance with its terms; and its passage will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.
- (3) If registered owners of not less than the percentage of Parity Bonds (or Bonds, as applicable) required by this subsection (b) have consented, no owner of the Parity Bonds shall have any right to object to the passage of the ordinance (or to any of the terms and provisions contained therein or the operation thereof), or in any manner to question the propriety of the passage thereof, or to enjoin or restrain the City from passing, or from taking any action pursuant to, the same.

(c) *Effect of Amendment.* Upon the effective date of any amendatory ordinance passed pursuant to the provisions of this section, this ordinance shall be amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the City, the Bond Registrar and all Registered Owners of Bonds then outstanding, shall thereafter be determined, exercised and enforced under this ordinance subject in all respects to such amendments.

Section 24. General Authorization and Ratification. The Designated Representative and other appropriate officers of the City are severally authorized to take such actions and to execute such documents as in their judgment may be necessary or desirable to carry out the transactions contemplated in connection with this ordinance, and to do everything necessary for the prompt delivery of the Bonds to the Purchaser thereof and for the proper application, use and investment of the proceeds of the Bonds. All actions taken prior to the effective date of this ordinance in furtherance of the purposes described in this ordinance and not inconsistent with the terms of this ordinance are ratified and confirmed in all respects.

Section 25. Severability. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

Section 26. Effective Date of Ordinance. This ordinance shall take effect and be in force from and after its passage and five days following its publication as required by law.

PASSED by the City Council at a regular open public meeting thereof and APPROVED by the Mayor this 23rd, day of June, 2015.

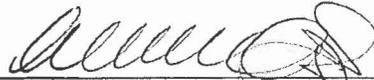
CITY OF PROSSER, WASHINGTON

Mayor Paul Warden

ATTEST:

Rachel Shaw, City Clerk

APPROVED AS TO FORM:



Foster Pepper PLLC, Bond Counsel

SUMMARY OF ORDINANCE NO. 15-_____

of the City of Prosser, Washington

On the ____ day of _____, 2015, the City of Prosser, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF PROSSER, WASHINGTON, RELATING TO THE UTILITY SYSTEMS COMPRISING THE COMBINED UTILITY SYSTEM OF THE CITY; SPECIFYING, ADOPTING AND ORDERING THE CARRYING OUT OF A SYSTEM OR PLAN OF ADDITIONS TO AND BETTERMENTS AND EXTENSIONS OF THE COMBINED UTILITY SYSTEM; PROVIDING FOR THE ISSUANCE OF ONE OR MORE SERIES OF COMBINED UTILITY REVENUE BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$5,000,000 FOR THE PURPOSE OF PROVIDING THE FUNDS NECESSARY: (A) TO PAY ALL OR A PORTION OF THE COSTS OF CARRYING OUT THAT PLAN OF ADDITIONS, (B) TO MAKE A DEPOSIT TO THE DEBT SERVICE RESERVE ACCOUNT, (C) TO REFUND AND REDEEM OUTSTANDING WATER AND SEWER REVENUE BONDS OF THE CITY AND (D) TO PAY THE COSTS OF ISSUANCE AND SALE OF THE BONDS AND THE ADMINISTRATIVE COSTS OF THE REFUNDING; FIXING OR SETTING PARAMETERS WITH RESPECT TO CERTAIN TERMS AND COVENANTS OF THE BONDS; APPOINTING THE CITY'S DESIGNATED REPRESENTATIVE TO APPROVE THE SALE TERMS OF THE SALE OF THE BONDS; AND PROVIDING FOR OTHER RELATED MATTERS.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 2015.

CITY CLERK, RACHEL SHAW

Exhibit A

Description of the Bonds

- | | |
|------------------------------|--|
| 1. Principal Amount. | The Bonds shall not exceed the aggregate principal amount of \$5,000,000. |
| 2. Date or Dates. | Each Bond shall be dated its Issue Date, which date may not be later than one year after the effective date of this ordinance. |
| 3. Denominations, Name, etc. | The Bonds shall be issued in Authorized Denominations and shall be numbered separately in the manner and shall bear any name and additional designation as deemed necessary or appropriate by the Designated Representative. |
| 4. Interest Rate(s). | Each Bond shall bear interest at a fixed rate per annum (computed on the basis of a 360-day year of twelve 30-day months) from the Issue Date or from the most recent date for which interest has been paid or duly provided for, whichever is later. One or more rates of interest may be fixed for the Bonds. No rate of interest for any Bond may exceed 5.25%, and the true interest cost to the City for the Bonds may not exceed 4.25%. |
| 5. Payment Dates. | Interest shall be payable semiannually on dates acceptable to the Designated Representative, commencing no later than one year following the Issue Date. Principal payments shall commence on a date acceptable to the Designated Representative and shall be payable at maturity or in mandatory redemption installments annually thereafter, on dates acceptable to the Designated Representative. |
| 6. Final Maturity. | The Bonds shall mature no later than the scheduled maturity of the Refunded Bonds. |
| 7. Redemption Rights. | <p>The Designated Representative may approve in the Bond Purchase Agreement provisions for the optional and mandatory redemption of Bonds, subject to the following:</p> <p>(1) <u>Optional Redemption</u>. Any Bond may be designated as being (A) subject to redemption at the option of the City prior to its maturity date on the dates and at the prices set forth in the Bond Purchase Agreement; or (B) not subject to redemption prior to its maturity date. If a Bond is subject to optional redemption prior to its maturity, it must be subject to such redemption on one or more dates occurring not more than 10½ years after the Issue Date.</p> |

- (2) Mandatory Redemption. Any Bond may be designated as a Term Bond, subject to mandatory redemption prior to its maturity on the dates and in the amounts set forth in the Bond Purchase Agreement.

8. Price.

The purchase price for the Bonds may not be less than 95% or more than 125% of the stated principal amount.

9. Other Terms and Conditions.

- (1) *Minimum Savings*. The Bonds being refunded to achieve a savings must achieve a positive net present value savings after paying all costs of issuance. The Bonds must achieve a minimum of 4.00% net present value savings over the scheduled principal and interest of the Refunded Bonds, giving consideration to the fixed maturities of the corresponding Bonds and Refunded Bonds, the costs of issuance of the Bonds, and the known earned income from the investment of the Bond proceeds pending redemption of the Refunded Bonds.
- (3) *Satisfaction of Parity Conditions*. Prior to delivery of the Bonds to the Purchaser, either all conditions for the issuance of the Bonds as Future Parity Bonds under the Parity Conditions must have been satisfied, including obtaining a parity certificate and obtaining the USDA Consent.
- (3) *Other Terms and Conditions*. The Designated Representative may determine whether it is in the City's best interest to provide for bond insurance or other credit enhancement; and may accept such additional terms, conditions and covenants as he or she may determine are in the best interests of the City, consistent with this ordinance.

Exhibit B

**Parity Conditions
for the Issuance of Future Parity Bonds**

The City may issue Future Parity Bonds on parity with the Bonds if and only if the following conditions are met and complied with at the time of issuance of those proposed Future Parity Bonds:

(a) At the time of issuance of such Future Parity Bonds, there may not be any deficiency in the Principal and Interest Account or the Reserve Account of the Parity Bond Fund.

(b) The Future Parity Bond authorizing ordinance must require that all ULID Assessments levied in connection with those Future Parity Bonds will be paid directly into the Bond Fund.

(c) The Future Parity Bond Authorizing Ordinance must provide for the payment of the principal of and interest on the Future Parity Bonds out of the Parity Bond Fund.

(d) The Future Parity Bond Authorizing Ordinance must provide for the deposit into the Reserve Account of amounts necessary to comply with the Reserve Requirement and for deposit into the Principal and Interest Account of the amounts required under Section 11 of this ordinance.

(e) As of the issue date of such Future Parity Bonds, the City shall have on file, a certificate from an Independent Utility Consultant showing that, in his or her professional opinion, the annual Net Revenue, together with ULID Assessments, available for debt service on the Parity Bonds then outstanding and the Future Parity Bonds proposed to be issued shall, for each year, be at least equal to the Coverage Requirement. In making such certification, the projected Net Revenue shall be based on the historical Net Revenue for any 12 consecutive calendar months out of the immediately preceding 24 consecutive months, and the following adjustments are permitted:

- (1) If there has been a change in any utility rates or charges during or after the selected 12-month base period, adjustments may be made to reflect the rates and charges effective on the date of such certificate.
- (2) A full year's revenue may be added from customers actually added to the utility subsequent to the 12-month base period.
- (3) Revenue may be added from customers to be served by improvements under construction or proposed to be under construction at the time of delivery of the Future Parity Bonds.
- (4) Actual or reasonably anticipated changes to the Operating and Maintenance Expense subsequent to the 12-month base period shall be added or deducted, as is applicable.

For Future Parity Bonds issued after the redemption of the 2015 USDA Bond, the City may satisfy the foregoing requirement by a certificate of the Finance Director showing that, in his or her professional opinion, the annual Net Revenue available for debt service on the Parity Bonds then outstanding and the Future Parity Bonds proposed to be issued shall, for each year,

be at least equal to the Coverage Requirement. In making such certification, the Finance Director shall assume that (A) the proposed Future Parity Bonds will remain outstanding to their scheduled maturities, and (B) any Parity Bonds to be refunded by those Future Parity Bonds are not outstanding. The Finance Director shall bas her or his certificate on the historical Net Revenue for any 12 calendar months out of the immediately preceding 24 consecutive months and shall not make any of the adjustments referred to above.

In the case of refunding bonds, no certificate under subsection (e) shall be required if the Annual Debt Service of the proposed refunding bonds is not increased in excess of \$5,000 for any year over the Annual Debt Service for the bonds being refunded.

Exhibit C

**City of Prosser
Wastewater Treatment Plant Improvements**

PROJECT DESCRIPTION

The improvements to be constructed consist of treatment plant improvements will be made to correct existing deficiencies at the City of Prosser's wastewater treatment plant and provide capacity to meet industrial and municipal demands. These improvements include the following, the details of which may be adjusted as deemed necessary or convenient by the City:

- Replace the existing 150-foot diameter trickling filter drive mechanism with a new rotary flow distributor with an upper bearing drive.
- Add a new third 610,000-gallon tank to the sequencing batch reactor (SBR) treatment system, including new blowers in the existing building. All piping, valves, controls, and other modifications necessary to operate a three-tank SBR system will be provided.
- Convert the existing 198,000-gallon primary anaerobic sludge digester to a secondary digester and demolish the existing secondary digesters.
- Construct a new 258,500-gallon fixed roof primary anaerobic sludge digester to provide treatment of all process solids.
- Install a rotary drum thickener in a new building, including supply and discharge sludge pumps, and associated piping, to increase the concentration of solids delivered to the primary digester.

The cost of all necessary architectural, engineering, legal and other consulting services, inspection and testing, administrative expenses, site acquisitions or improvement, demolition, on and off-site utilities, related improvements, payments for fiscal and legal expenses; printing, advertising, establishing and funding accounts; necessary and related planning, consulting, inspection and testing costs; administrative expenses; and other similar activities or purposes incurred in connection with the improvements are a part of the costs of the capital project.

Exhibit D

[Form of]

UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE**City of Prosser, Washington****Combined Utility System Revenue Refunding Bonds, 2015**

The City of Prosser, Washington (the “City”), makes the following written Undertaking for the benefit of holders of the above-referenced bonds (the “Bonds”), for the sole purpose of assisting the Purchaser in meeting the requirements of paragraph (b)(5) of Rule 15c2-12, as applicable to a participating underwriter for the Bonds. Capitalized terms used but not defined below shall have the meanings given in Ordinance No. ____ of the City (the “Bond Ordinance”).

(a) Undertaking to Provide Annual Financial Information and Notice of Listed Events. The City undertakes to provide or cause to be provided, either directly or through a designated agent, to the MSRB, in an electronic format as prescribed by the MSRB, accompanied by identifying information as prescribed by the MSRB:

- (i) Annual financial information and operating data of the type included in the final official statement for the Bonds and described in paragraph (b) (“annual financial information”);
- (ii) Timely notice (not in excess of 10 business days after the occurrence of the event) of the occurrence of any of the following events with respect to the Bonds: (1) principal and interest payment delinquencies; (2) non-payment related defaults, if material; (3) unscheduled draws on debt service reserves reflecting financial difficulties; (4) unscheduled draws on credit enhancements reflecting financial difficulties; (5) substitution of credit or liquidity providers, or their failure to perform; (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notice of Proposed Issue (IRS Form 5701 – TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (7) modifications to rights of holders of the Bonds, if material; (8) bond calls (other than scheduled mandatory redemptions of Term Bonds), if material, and tender offers; (9) defeasances; (10) release, substitution, or sale of property securing repayment of the Bonds, if material; (11) rating changes; (12) bankruptcy, insolvency, receivership or similar event of the City, as such “Bankruptcy Events” are defined in Rule 15c2-12; (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and (14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

- (iii) Timely notice of a failure by the City to provide required annual financial information on or before the date specified in paragraph (b).
- (b) Type of Annual Financial Information Undertaken to be Provided. The annual financial information that the City undertakes to provide in paragraph (a):
- (i) Shall consist of (1) annual financial statements prepared (except as noted in the financial statements) in accordance with applicable generally accepted accounting principles applicable to local governmental units of the State such as the City, as such principles may be changed from time to time, which statements may be unaudited, provided, that if and when audited financial statements are prepared and available they will be provided; and (2) [references to the specific utility information (e.g., utility operating data and other customer statistics) provided in the Official Statement to be inserted upon publication of the Official Statement];
 - (ii) Shall be provided not later than the last day of the ninth month after the end of each fiscal year of the City (currently, a fiscal year ending December 31), as such fiscal year may be changed as required or permitted by State law, commencing with the City's fiscal year ending December 31, 20__; and
 - (iii) May be provided in a single or multiple documents, and may be incorporated by specific reference to documents available to the public on the Internet website of the MSRB or filed with the SEC.
- (c) Amendment of Undertaking. This Undertaking is subject to amendment after the primary offering of the Bonds without the consent of any holder of any Bond, or of any broker, dealer, municipal securities dealer, participating underwriter, Rating Agency or the MSRB, under the circumstances and in the manner permitted by Rule 15c2-12. The City will give notice to the MSRB of the substance (or provide a copy) of any amendment to the Undertaking and a brief statement of the reasons for the amendment. If the amendment changes the type of annual financial information to be provided, the annual financial information containing the amended financial information will include a narrative explanation of the effect of that change on the type of information to be provided.
- (d) Beneficiaries. This Undertaking shall inure to the benefit of the City and the holder of each Bond, and shall not inure to the benefit of or create any rights in any other person.
- (e) Termination of Undertaking. The City's obligations under this Undertaking shall terminate upon the legal defeasance of all of the Bonds. In addition, the City's obligations under this Undertaking shall terminate if the provisions of Rule 15c2-12 that require the City to comply with this Undertaking become legally inapplicable in respect of the Bonds for any reason, as confirmed by an opinion of Bond Counsel delivered to the City, and the City provides timely notice of such termination to the MSRB.
- (f) Remedy for Failure to Comply with Undertaking. As soon as practicable after the City learns of any failure to comply with this Undertaking, the City will proceed with due diligence to cause such noncompliance to be corrected. No failure by the City or other obligated person to comply with this Undertaking shall constitute a default in respect of the Bonds. The

sole remedy of any holder of a Bond shall be to take action to compel the City or other obligated person to comply with this Undertaking, including seeking an order of specific performance from an appropriate court.

(g) Designation of Official Responsible to Administer Undertaking. The Finance Officer or his or her designee is the person designated, in accordance with the Bond Ordinance, to carry out the Undertaking in accordance with Rule 15c2-12, including, without limitation, the following actions:

- (i) Preparing and filing the annual financial information undertaken to be provided;
- (ii) Determining whether any event specified in paragraph (a) has occurred, assessing its materiality, where necessary, with respect to the Bonds, and preparing and disseminating any required notice of its occurrence;
- (iii) Determining whether any person other than the City is an “obligated person” within the meaning of Rule 15c2-12 with respect to the Bonds, and obtaining from such person an undertaking to provide any annual financial information and notice of listed events for that person required under Rule 15c2-12;
- (iv) Selecting, engaging and compensating designated agents and consultants, including financial advisors and legal counsel, to assist and advise the City in carrying out this Undertaking; and
- (v) Effecting any necessary amendment of this Undertaking.

CERTIFICATION

I, the undersigned, City Clerk of the City of Prosser, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. ____ (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on June 23, 2015, as that ordinance appears on the minute book of the City.

2. The Ordinance will be in full force and effect five days after publication in the City's official newspaper, which publication date is _____, 2015.

3. A quorum of the members of the City Council was present throughout the meeting and a majority of the members thereof voted in the proper manner for the passage of the Ordinance.

Dated: June 23, 2015.

CITY OF PROSSER, WASHINGTON

Rachel Shaw, City Clerk

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Consideration of an Ordinance Amending the 2015 Budget for various funds.		Meeting Date: June 23, 2015 Regular Meeting	
Department: Finance	Director: Toni Yost	Contact Person: Toni Yost	Phone Number: (509) 786-2332
Cost of Proposal: \$0		Account Number:	
Amount Budgeted: \$0		Name and Fund# Various	
Reviewed by Finance Department: <p align="center">Tyg</p>			
Attachments to Agenda Packet Item: 1. Ordinance			
Summary Statement: <p>In the last budget process it was suggested by council that we budget and appropriate funding to include ending/beginning cash balance so that staff was not coming back to council so often for budget amendments. The Council has the option to adopt expenditures only or include the ending cash balance in the appropriated amount. In the past Council has done both, mostly upon budget presentation by Mayor and staff. In the most recent budget ordinance, the expenditures were adopted only and the total did NOT include an appropriation for the ending fund balance.</p> <p>The ordinance attached amends the budget to incorporate the ending cash balance if the Council would like to do so. Below is a small brief explanation of each approach to aid in the decision process:</p> <p>Expenditure Only:</p> <ul style="list-style-type: none"> • Clearly identify surplus or deficit spending in budget ordinance. • Requires budget amendment, by ordinance, to allocate funds for unexpected expenditures; • Two step budget amendment review and approval process <p>Including Ending Cash Balance:</p> <ul style="list-style-type: none"> • Surplus and Deficit spending found in budget document. • Requires Council action, by motion, to allocate funds from ending cash to operations. • Budget amendment can be reviewed and approved at the same meeting. 			

<u>Consistent with or Comparison to:</u>		
EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL		
<u>Recommended City Council Action/Suggested Motion:</u>		
Review and provide direction to staff.		
<u>Reviewed by Department Director:</u>	<u>Reviewed by City Attorney:</u>	<u>Approved by Mayor:</u>
Tygart Date: 6/19/15	 Date: 6/19/15	 Date: 6-19-15
<u>Today's Date:</u>	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>
May 21, 2015		

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 15-_____**

AN ORDINANCE AMENDING THE 2015 BUDGET FOR SEVERAL FUNDS TO APPROPRIATE RESERVED CASH. THE ORDINANCE DECLARES AN EMERGENCY AND AMENDS THE 2015 BUDGET FOR THE ABOVE FUNDS AT THE FUND LEVEL AND FINDS THAT THE THIS AMEMDMMENT TO THE 2015 BUDGET IS IN THE BEST INTERST OF THE CITY. THE ORDINANCE ALSO AUTHORIZES THE FINANCE DIRECTOR TO MAKE ALL ADJUSTMENTS TO THE 2015 BUDGET NECESSARY TO ACCOMPLISH THE PURPOSE OF THIS ORDINANCE. THE ORDINANCE ALSO PROVIDES THAT THE SECTIONS ARE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES FOR PUBLICATION BY SUMMARY.

WHEREAS, pursuant to RCW 35A.33.090 , a public emergency exists which could not have been reasonably foreseen at the time of the filing of the 2015 Budget which requires the receipt and expenditure of money not provided for in the annual budget and is not one of the emergencies specifically enumerated in RCW 34A.33.080; and

WHEREAS, the facts constituting an emergency are enumerated as follows:

1. The adopted 2015 budget was an estimate of revenues and expenditures; and
2. Prudent fiscal management requires immediate amendment of the budget; and
3. It is in the best interest of the city of Prosser to amend the budget;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The 2015 Budget is hereby amended as follows:

Fund #	Fund Name	Beginning Balance	Cash	Revenue	Appropriation (Expenditure)
	General Fund	\$ 521,376		\$ 4,736,168	\$ 5,257,544
102	Street Fund	\$ 89,089		\$ 624,049	\$ 713,138
103	Transportation Benefit Distric	\$ 266		\$ 80,500	\$ 80,766
105	Small Project Reserve	\$ -		\$ 43,600	\$ 43,600
110	Arterial Street Fund	\$ 132,125		\$ 500	\$ 132,625
111	Municipal Capital Improvement	\$ 145,884		\$ 27,600	\$ 173,484
115	General Fund Reserve	\$ 233,916		\$ 206,500	\$ 200,000
116	City Facilities Reserve	\$ 24,805		\$ 500	\$ 25,305
117	Employee Benefit Trust	\$ 27,408		\$ 50,500	\$ 77,908
119	Parks Reserve Fund	\$ 5,000		\$ -	\$ -
150	Hotel/Motel Fund	\$ 50,144		\$ 80,120	\$ 130,264
131	Tourism Promotion Area	\$ 13,439		\$ 20,100	\$ 33,539

144	Public Safety Program Enhancement Fund	\$ 26,358	\$ 10,500	
146	Drug Enforcement Fund	\$ 12,701	\$ 50	\$ 12,751
147	Police Investigative Fund	\$ 44,913	\$ 350	\$ 45,263
148	Criminal Justice Fund	\$ 963,939	\$ 185,299	\$ 1,149,238
149	Public Safety Sales Tax Fund	\$ -	\$ 135,300	\$ 135,300
150	Forfeitures and Seizures Fund	\$ -	\$ -	\$ -
152	Infrastructure Development Reserve Fund	\$ 494,776	\$ 400	\$ 495,176
221	LID Guarantee Fund	\$ -	\$ -	\$ -
229	96 GO Bond Fund	\$ 10,129	\$ 158,700	\$ 168,829
233	11 GO Bond Fund	\$ 691	\$ 128,075	\$ 128,766
234	LID 10-23	\$ 1,700	\$ 1,700	\$ 3,400
301	REET First Quarter Percent	\$ 10,597	\$ 27,600	\$ 38,197
302	OIE Improvement Fund	\$ 26,358	\$ 166,642	\$ 193,000
303	7th Street ADA Project Fund	\$ 2,191	\$ 14,041	\$ 16,232
304	OIE Phase 2 Project Fund	\$ 15,697	\$ 100,580	\$ 116,277
305	ESCO Project	\$ -	\$ 1,125,000	\$ 1,125,000
403	Water Fund	\$ 617,064	\$ 5,376,694	\$ 6,493,758
407	Sewer Fund	\$ 850,744	\$ 1,912,122	\$ 2,762,866
420	Zone 2-5 Water Improvement Project	\$ 100	\$ 768,500	\$ 768,600
	98 Water Revenue Bond Redemption			
444	Reserve	\$ 7,262	\$ 155,012	\$ 162,274
445	98 Water Revenue Bond Reserve	\$ 170,490	\$ 750	\$ 171,240
448	Garbage Fund	\$ 402,858	\$ 949,898	\$ 1,352,756
	99 Water Revenue Bond Redemption			
449	Reserve	\$ 7,044	\$ 79,301	\$ 86,345
450	99 Water Revenue Bond Reserve	\$ 84,688	\$ -	\$ -
451	Water Facilities Reserve	\$ 217,530	\$ 50	\$ 217,580
452	Sewer Facilities Reserve	\$ 301,261	\$ 2,500	\$ 303,761
453	N Prosser Debt Redemption Reserve	\$ 498,928	\$ -	\$ 498,928
454	N Prosser Debt Reserve	\$ 32,068	\$ -	\$ -
455	Irrigation Reserve Fund	\$ -	\$ 69,740	\$ 69,740
470	Wastewater Improvement Project	\$ 2,839,100	\$ 3,312,100	\$ 6,151,200
603	Consumer Utility Deposit Fund	\$ 1,050	\$ 15,000	\$ 16,050
606	Library Memorial Fund	\$ 13,000	\$ -	\$ 13,000
	Total Budget	\$ 8,883,669	\$ 21,066,241	\$ 29,346,758

Section 2. The 2015 Budget is hereby amended to add the following language: The salaries and wages set forth in the attached appendix A are the salaries and wages which may be paid to the officers and employees of the City of Prosser. These salaries and wages may be adjusted by council action and in accordance with approved collective bargaining agreements.

Section 3. The Finance Director is hereby authorized to close funds deemed to be no longer necessary and in the best interest of the City. Additionally, the Finance Director is authorized to make transfers, inter-fund loans, and other transactions necessary as provided for in the Budget.

Section 4. The Finance Director is hereby authorized to make all adjustments to the City's Budget to accomplish the purposes of this Ordinance in accordance with RCW Chapter

35A.33.090 and in accordance with the BARS Manual.

Section 5. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

Section 6. An emergency is declared to exist and the recitals set forth above are hereby adopted as findings in support of such emergency.

Section 7. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

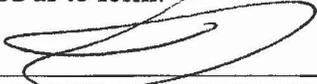
PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2015.

MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:



CITY ATTORNEY, HOWARD SAXTON

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 15-_____

of the City of Prosser, Washington

On the ____ day of _____, 2015, the City of Prosser, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE AMENDING THE 2015 BUDGET FOR SEVERAL FUNDS TO APPROPRIATE RESERVED CASH. THE ORDINANCE DECLARES AN EMERGENCY AND AMENDS THE 2015 BUDGET FOR THE ABOVE FUNDS AT THE FUND LEVEL AND FINDS THAT THIS AMENDMENT TO THE 2015 BUDGET IS IN THE BEST INTEREST OF THE CITY. THE ORDINANCE ALSO AUTHORIZES THE FINANCE DIRECTOR TO MAKE ALL ADJUSTMENTS TO THE 2015 BUDGET NECESSARY TO ACCOMPLISH THE PURPOSE OF THIS ORDINANCE. THE ORDINANCE ALSO PROVIDES THAT THE SECTIONS ARE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 2015.

CITY CLERK, RACHEL SHAW

**CITY OF PROSSER
2015 OPERATING BUDGET**

2015 Salary and Wage					
Position		2014 Rate	2014 Salary	2015 Rate	2015 Salary
City Administrator					
Per Contract	per contract	\$0.00	\$0	\$0.00	\$0
Mayor					
Per Ordinance		\$30.87	\$64,200	\$30.87	\$64,200
Finance Director					
1	12 months	\$37.11	\$77,184	\$37.85	\$78,727
2	24 months	\$38.97	\$81,066	\$39.75	\$82,688
3	24 months	\$40.92	\$85,119	\$41.74	\$86,821
* median step	24 months	\$42.52	\$88,449	\$43.37	\$90,218
4	24 months	\$42.97	\$89,375	\$43.83	\$91,162
5	24 months	\$45.12	\$93,843	\$46.02	\$95,720
Public Works Director					
1	12 months	\$32.85	\$68,337	\$33.51	\$69,703
2	24 months	\$34.51	\$71,774	\$35.20	\$73,209
3	24 months	\$36.24	\$75,380	\$36.97	\$76,888
4	24 months	\$38.06	\$79,157	\$38.82	\$80,740
5	24 months	\$39.96	\$83,124	\$40.76	\$84,787
Police Chief					
1	12 months				
1	24 months	\$41.32	\$85,946	\$42.15	\$87,665
* median step	24 months	\$43.02	\$89,489	\$43.88	\$91,278
2	24 months	\$43.39	\$90,243	\$44.25	\$92,048
3	24 months	\$45.56	\$94,755	\$46.47	\$96,651
4	24 months	\$47.83	\$99,493	\$48.79	\$101,483
5	24 months	\$50.22	\$104,468	\$51.23	\$106,557
Building Official					
1	12 months	\$26.50	\$55,119	\$27.03	\$56,222
2	24 months	\$27.91	\$58,047	\$28.47	\$59,208
3	24 months	\$29.37	\$61,081	\$29.95	\$62,302
4	24 months	\$30.91	\$64,284	\$31.52	\$65,570
5	24 months	\$32.54	\$67,679	\$33.19	\$69,033
Planner					
1	12 months	\$22.43	\$46,654	\$22.89	\$47,606
2	24 months	\$23.61	\$49,109	\$24.09	\$50,111
3	24 months	\$24.85	\$51,694	\$25.36	\$52,749
4	24 months	\$26.10	\$54,279	\$26.63	\$55,386
5	24 months	\$27.40	\$56,992	\$27.96	\$58,156
City Clerk					
1	12 months	\$26.77	\$55,686	\$27.32	\$56,823
2	24 months	\$28.18	\$58,617	\$28.76	\$59,814
3	24 months	\$29.66	\$61,702	\$30.27	\$62,962
4	24 months	\$31.15	\$64,787	\$31.78	\$66,110
5	24 months	\$32.71	\$68,027	\$33.37	\$69,415

**CITY OF PROSSER
2015 OPERATING BUDGET**

Position		2014 Rate	2014 Salary	2015 Rate	2015 Salary
Finance Manager					
1	12 months	\$28.70	\$59,697	\$29.29	\$60,915
2	24 months	\$30.21	\$62,839	\$30.83	\$64,121
3	24 months	\$31.80	\$66,146	\$32.45	\$67,496
4	24 months	\$33.39	\$69,453	\$34.07	\$70,871
5	24 months	\$35.06	\$72,926	\$35.78	\$74,414
Assistant Finance Manager					
1	12 months	\$21.32	\$44,336	\$21.75	\$45,241
2	24 months	\$22.44	\$46,669	\$22.90	\$47,622
3	24 months	\$23.62	\$49,125	\$24.10	\$50,128
4	24 months	\$24.80	\$51,582	\$25.31	\$52,634
5	24 months	\$26.04	\$54,161	\$26.57	\$55,266
Clerk	\$9.25	\$12.75		\$9.50	\$12.75
Seasonal Parks Laborer	\$9.25	\$11.00		\$9.50	\$11.00
Recreation Assistant	\$10.75	\$12.75		\$10.75	\$12.75
Pool Manager (salary)	\$17.50	\$18.50		\$12.50	\$18.50
Assistant Pool Manager	\$10.75	\$12.25		\$10.75	\$12.25
Lifeguards	\$9.25	\$10.25		\$9.50	\$10.75
<p><i>* represent median steps or the assignment of wages between typical wage steps. Wages the follow that median step resume the typical wage steps (5% increases).</i></p>					

**CITY OF PROSSER
2015 OPERATING BUDGET**

Position		2014 Rate	2014 Salary	2015 Rate	2015 Salary
<i>Detailed information regarding bargaining unit compensation can be found in the appropriate collective bargaining agreement.</i>					
UNION STAFF		2014 Rate	2014 Salary	2015 Rate	2015 Salary
Officer					
5A	6 months	\$22.49	\$46,786	\$22.94	\$47,722
5B	2 years	\$23.62	\$49,124	\$24.09	\$50,106
4	2 years	\$24.80	\$51,591	\$25.30	\$52,622
3	1 year	\$26.03	\$54,144	\$26.55	\$55,227
2	1 year	\$27.35	\$56,892	\$27.90	\$58,030
1	Frozen	\$28.70	\$59,706	\$29.28	\$60,900
Sergeant/Detective					
3	1 year	\$30.14	\$62,692	\$30.74	\$63,946
2	1 year	\$31.05	\$64,575	\$31.67	\$65,866
1	Frozen	\$31.99	\$66,544	\$32.63	\$67,875
Police Records Clerk					
1	1 year	\$17.84	\$37,113	\$18.20	\$37,855
2	1 year	\$18.77	\$39,039	\$19.14	\$39,820
3	1 year	\$19.74	\$41,052	\$20.13	\$41,873
4	1 year	\$20.78	\$43,216	\$21.19	\$44,080
5	Frozen	\$21.85	\$45,445	\$22.29	\$46,354
Senior Admin Secretary					
1	1 year	\$16.58	\$34,495	\$16.92	\$35,185
2	1 year	\$17.07	\$35,512	\$17.41	\$36,222
3	1 year	\$17.61	\$36,637	\$17.97	\$37,370
4	1 year	\$18.18	\$37,806	\$18.54	\$38,562
5	Frozen	\$18.72	\$38,931	\$19.09	\$39,710
Admin Secretary					
1	1 year	\$15.04	\$31,292	\$15.35	\$31,918
2	1 year	\$15.50	\$32,244	\$15.81	\$32,889
3	1 year	\$15.98	\$33,240	\$16.30	\$33,904
4	1 year	\$16.46	\$34,235	\$16.79	\$34,920
5	Frozen	\$16.98	\$35,317	\$17.32	\$36,023
Office Clerk					
1	1 year	12.54	\$13,042	\$12.79	\$13,302
2	1 year	13.28	\$13,811	\$13.55	\$14,087
3	1 year	14.03	\$14,591	\$14.31	\$14,883
4	1 year	14.81	\$15,402	\$15.11	\$15,710
5	Frozen	15.68	\$16,307	\$15.99	\$16,633

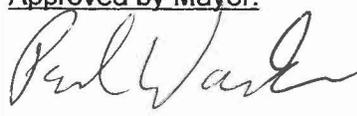
**CITY OF PROSSER
2015 OPERATING BUDGET**

Position		2014 Rate	2014 Salary	2015 Rate	2015 Salary
Custodian					
1	1 year	\$10.65	\$22,160	\$10.87	\$22,603
2	1 year	\$11.01	\$22,895	\$11.23	\$23,353
3	1 year	\$11.32	\$23,545	\$11.55	\$24,016
4	1 year	\$11.66	\$24,259	\$11.90	\$24,744
5	Frozen	\$11.95	\$24,865	\$12.19	\$25,362
Code Enforcement Officer					
1	1 year	\$17.54	\$36,486	\$17.89	\$37,215
2	1 year	\$18.03	\$37,503	\$18.39	\$38,253
3	1 year	\$18.52	\$38,520	\$18.89	\$39,290
4	1 year	\$19.02	\$39,559	\$19.40	\$40,350
5	Frozen	\$19.53	\$40,619	\$19.92	\$41,431
Waste Water 1					
1	1 year	\$19.35	\$40,251	\$19.74	\$41,056
2	1 year	\$20.81	\$43,281	\$21.22	\$44,146
3	1 year	\$22.36	\$46,505	\$22.81	\$47,435
4	1 year	\$23.93	\$49,773	\$24.41	\$50,768
Waste Water 2					
1	1 year	\$24.65	\$51,266	\$25.14	\$52,291
2	1 year	\$25.39	\$52,802	\$25.89	\$53,858
3	1 year	\$26.19	\$54,475	\$26.71	\$55,565
Waste Water Supervisor					
1	1 year	\$29.73	\$61,848	\$30.33	\$63,085
2	1 year	\$30.63	\$63,709	\$31.24	\$64,983
3	1 year	\$31.54	\$65,613	\$32.18	\$66,926
Utility Worker					
Utility Worker 1	2 years	\$20.00	\$41,593	\$20.40	\$42,425
Utility Worker 2	1 year	\$22.03	\$45,813	\$22.47	\$46,729
Utility Worker 3	2 years	\$23.74	\$49,383	\$24.22	\$50,371
Utility Worker 4	Frozen	\$26.19	\$54,469	\$26.71	\$55,558
Public Works Field Leader					
Public Works Field Leader		\$27.30	\$56,784	\$27.85	\$57,920
Public Works Supervisor - Water Division					
Public Works Supervisor - Water Division		\$29.73	\$61,848	\$30.33	\$63,085
Public Works Supervisor - Streets and Parks Division					
Public Works Supervisor - Streets and Parks Division		\$29.73	\$61,848	\$30.33	\$63,085

**CITY OF PROSSER
2015 OPERATING BUDGET**

Position		2014 Rate	2014 Salary	2015 Rate	2015 Salary
Special Compensation					
		2014 rate	2015 rate		
IT Support	3.50 per hour	3.50 per hour	*up to 15 hours a week		
		2014 rate	2015 rate		
Cell Phone Allowance	49.67	50.66			
Education Pay	AA	BA	MA		
OPEIU	25	50	\$50.00		
Non-Union	0	0	\$0.00		
Police	50	75	\$100.00		
Public Work	25	50	\$50.00		
BI-Lingual Pay	2014 rate	2015 rate			
OPEIU	25	25			
Non-Union	25	25			
Police	50	50			
Public Work	25	25			
Uniforms	2014 rate	2015 rate			
Police	0	0			
Public Works	550	550			
WWTP	550	550			
		2014 rate	2015 rate		
Police Training Officers Pay	50	50			
		2014 rate	2015 rate		
Evidence Technician Pay	50	50			
<i>Detailed information regarding bargaining unit compensation can be found in the appropriate collective bargaining agreement.</i>					

CITY OF PROSSER, WASHINGTON
AGENDA BILL

Agenda Title: Consideration of required and recommended changes from Washington State Department of Ecology to the Prosser Shoreline Master Program.		Meeting Date: June 23, 2015 Regular Meeting	
Department: Planning Department	Director: Steve Zetz	Contact Person: Howard Saxton Steve Zetz	Phone Number: (509) 786-2332
Cost of Proposal: NA		Account Number:	
Amount Budgeted: NA		Name and Fund#	
Reviewed by Finance Department: Tyost			
Attachments to Agenda Packet Item: 1. Washington State Department of Ecology (DOE) letter dated June 11, 2015, with attachments. 2. Redline SMP			
Summary Statement: The City submitted its SMP program to DOE for approval pursuant to RCW chapter 90.58. DOE has accepted the SMP contingent upon making the required changes identified in attachments to the June 11, 2015, letter. DOE has also provided suggested changes. City staff recommends that Council change the SMP to incorporate both the required and recommended changes.			
Consistent with or Comparison to: Prior direction from Council			
Recommended City Council Action/Suggested Motion: Recommend that staff be directed to notify DOE that the City accepts all required and recommended changes and to bring back an ordinance to implement the changes.			
Reviewed by Department Director:  Date:	Reviewed by City Attorney:  Date: 6/19/15	Approved by Mayor:  Date: 6-19-15	



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 11, 2015

RECEIVED
JUN 15 2015
CITY OF PROSSER

The Honorable Paul Warden
City of Prosser
607 Seventh Street
Prosser, WA 99350

**Re: City of Prosser Comprehensive Shoreline Master Program Update –
Conditional Approval, Ordinance Number 14-2898**

Dear Mayor Warden:

I would like to take this opportunity to commend the city of Prosser (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. It is obvious that a significant effort was invested in this update. The SMP will provide a framework to guide development and habitat restoration along the City's shorelines.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are proposed in Attachment C. The findings and conclusions that support Ecology's decision are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes (required and/or recommended changes), or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guideline requirements.



The Honorable Paul Warden
June 11, 2015
Page 2

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that the City Council, City staff (Steve Zetz), the Planning Commission and the community have put into the Shoreline Master Program update.

We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Angela San Filippo, at Angela.SanFilippo@ecy.wa.gov or (509) 454-3619.

Sincerely,



Maia D. Bellon
Director

Enclosures (4)

By Certified Mail [7012 1010 0003 3028 3997]

cc: Steve Zetz, City of Prosser
Gary Graff, Ecology
Angela San Filippo, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF PROSSER
SHORELINE MASTER PROGRAM**

SMP Submittal accepted January 5, 2015, Ordinance No.14-2898

Prepared by Angela San Filippo on June 2, 2015

Brief Description of Proposed Amendment:

The City of Prosser has submitted to Ecology for approval, a comprehensive update to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guideline requirements. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as well as local ordinance #14-2897 adopted by reference as part of the SMP. Additional reports and supporting information and analyses noted below, are included in the submittal.

FINDINGS OF FACT

Need for amendment. The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the City's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27. The original City SMP was approved by Ecology in 1974. The SMP has never been comprehensively updated. This SMP update is also needed to address land use changes that have occurred along the City's shorelines over the past 41 years and to provide consistency between the updated SMP and the environmental protection and land use management policies and practices provided by the City's Critical Areas Ordinance and Comprehensive Plan.

SMP provisions to be changed by the amendment as proposed:

This comprehensive SMP update is intended to entirely replace the City's existing SMP. This is the first SMP that is tailored to the City of Prosser and will regulate approximately four miles of Yakima River shoreline. The updated SMP is a significant upgrade from the current 1974 SMP. Since 1974, much has changed along the City of Prosser shorelines, including development pressures, state laws and guidance, and knowledge of best development and conservation practices. The proposed SMP contains locally tailored shoreline management policies, regulations, environment designations maps, and administrative provisions that have been updated to reflect these changes. Overall, the state SMP guidelines are more restrictive than they were for the 1974 SMP and this SMP is consistent with the most current guidelines.

The following elements outline the key differences between the city's proposed SMP and the existing 1974 SMP.

Environment Designations

The existing SMP has four environment designations: Urban, Rural, Conservancy, and Natural environments. The proposed SMP has eight shoreline environment designations: Agribusiness, Agri-tourism, Commercial, Industrial, Residential, Recreation, Urban Conservancy, and Aquatic. The proposed SMP environment designations include a purpose statement, designation criteria, and

management policies for each shoreline environment. In addition, the proposed shoreline environments are more descriptive, tailored to Prosser's unique shorelines, and meet current state SMP guidelines.

Permitted Use Table and Shoreline Bulk Standards

The existing SMP does not distinguish between water-oriented and non-water-oriented uses and does not provide a permitted use table or shoreline bulk standards.

The proposed SMP distinguished between water-oriented and non-water-oriented uses for industrial uses in the Permitted Use Table. The Permitted Use Table also outlines categories and subcategories of uses and modifications and identifies whether they are permitted, permitted only as an accessory to a permitted use, permitted subject to underlying zoning, conditional, or prohibited.

The proposed SMP includes a Shoreline Bulk Standards table split up by environment designation that provides specific buffers, building setbacks, and maximum impervious surface coverage based on whether the use is water dependent, water related, water enjoyment, or non-water-oriented. Also included in this table are maximum heights by environment designation.

Amendment History, Review Process: The City indicates the proposed SMP amendments originated from a local planning process that began in December 2012. The record shows that workshops open to the public were held on the following dates:

- November 15, 2012
- December 6, 2012
- March 21, 2013
- May 16, 2013
- September 19, 2013
- October 17, 2013
- November 21, 2013
- December 12, 2013

A public hearing before the Planning Commission was held on February 20, 2014 and City Council held a public hearing on May 27, 2014. Affidavits of publication provided by the City indicate notice of the City Council hearing was published on May 14, 2014 in the Prosser Record Bulletin.

With passage of Resolution #14-2898, on June 25, 2014, the City authorized staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review and verified as complete on January 5, 2015. Notice of the state comment period was distributed to interested parties identified by the City on January 16, 2015, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on January 26 and continued through February 26, 2015. One state agency submitted written comments on the proposed amendments. Ecology sent all written comments it received to the City on March 4, 2015. On March 23, 2015, the City submitted to Ecology its responses to issues raised during the state comment period, see Attachment D. Ecology's own responses to issues raised during the comment period are available as part of the SMP amendment process record.

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and

(5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on May 15, 2014. Notice of the SEPA determination was published in the Prosser Record Bulletin on May 28, 2014. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

These supporting documents include:

- Public participation plan, December 2012
- Shoreline inventory, analysis, and characterization, June 2013
- Cumulative impacts analysis, June 2013
- Restoration plan, June 2013
- Critical Areas Ordinance, Chapter 18.66 of Prosser Municipal Code with proposed amendments documented in SMP submittal

Summary of Issues Raised During The Public Review Process:

Ecology received one written comment from the Washington State Department of Natural Resources (DNR). The comment letter was focused on incorporating language in the SMP to address consultation with DNR on state owned aquatic lands.

Summary of Issues Identified by Ecology as Relevant To Its Decision:

The City proposed to incorporate all of DNR’s recommended changes (see Attachment D); these proposed changes are also included in Ecology’s formal review as recommended changes in Attachment C.

Ecology’s required changes include: editorial changes to provide clarity and consistency in the Permitted Use Table; clarification regarding adopting local development regulations by reference; edits to exemptions from substantial development permits to be consistent with WAC 173-27-040; inclusion of all variance criteria as per WAC 173-27-170; update to wetland rating system and wetland category descriptions as per Ecology’s updated guidance that became effective January 1, 2015; and the elimination of preservation for mitigation because of it being only appropriate in limited circumstances which are not addressed in the SMP.

Ecology’s recommended changes include: addition of DNR consultation references for clearing, grading, and fill and dredging and dredge material disposal regulations as requested in DNR’s comment letter; and editorial changes to eliminate redundancies and provide clarity throughout the document.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's proposed comprehensive SMP update, subject to and including Ecology's required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology also concludes that a separate set of recommended changes to the submittal (identified during the review process and itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the City, be included in Ecology's approved SMP amendments.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's comprehensive SMP update/amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies

outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP, are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, once required changes set forth in Attachment B are approved by the City. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final. Approval of the updated SMP and proposed alternative/s is effective 14 days from Ecology's final action approving the alternative/s.

Attachment B:

Ecology Required Changes

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions, strikethrough = deletions)								RATIONALE
1	16.04.24(A)	Shoreline Vegetation Conservation	A. In addition to the Critical Areas standards in PMC Chapter <u>16.10</u> , 16.20, <u>16.30</u> , <u>16.40</u> , <u>16.50</u> , and <u>16.60</u> , the following shall apply to development on the shoreline.								The existing citation only refers to the wetland section of the critical area standards; this citation has been specified to include all the critical area standards. ¹
2	16.04.41	Permitted Use Table	Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy	Residential uses are listed below this row of the table and like other categories of uses this is a title and should not have prohibitions or permit types
			Residential	*	*	*	*	*	*	*	

June 2, 2015

											associated with it. ¹
3	16.04.41	Permitted Use Table	Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy	Commercial/Retail uses are listed below this row of the table and like other categories of uses this is a title and should not have prohibitions or permit types associated with it. ¹
			Commercial/Retail	X	X	X	X	X	X	X	
4	16.04.41	Permitted Use Table	Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy	In the Recreation environment designation section it specifically states that "it is an appropriate designation for areas occupied by recreational purposes such as parks and marinas" and "that expanded recreational opportunities shall emphasize water-dependent and water-related uses including, but not limited to, boating, swimming, walking, hiking, and recreational sports.
			Marina	X	CU	CU	X	CU	XCU	X	

											Upon discussion with city staff about this inconsistency, it is clear that the error was in the use table and should be changed to be consistent with the description of the Recreation environment designation and marinas will not be prohibited but rather a conditional use. ¹
5	16.04.65(A)	Non-conformities	A. The provisions of PMC Subsections 18.66.010 through 18.66.030 referencing nonconforming lots; structures; and uses provide review and administration regulations are adopted by reference as part of this program, subject to the definition in PMC 16.04.23.L and additional provisions below.								According to WAC 173-26-191(2)(B) local governments may include other locally adopted policies and regulation within their master programs. Shoreline master programs may include other policies and regulations by referencing a specific, dated edition. In the approval process the department will

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				<p>review the reference development regulation sections as part of the master program.</p> <p>However, according to WAC 173-26-191(2)(a)(iii) local governments may include administrative, enforcement, and permit review procedures in the master program or the procedures shall conform to the Shoreline Management Act.</p> <p>Upon discussion with city staff it is clear their intent was to reference sections of the PMC and not adopt these sections by reference.</p> <p>Internal reference citation error.¹</p>
6	16.04.66(B)(16)	Exemption from Substantial	16. Hazardous Substance Remediation: Hazardous substance remedial actions pursuant to WAC 173-27-040(3).	Hazardous substance

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		Development Permit		remediation is not listed under the developments exempt from substantial development permit requirement in WAC 173-27-040. Hazardous substance remediation is covered by RCW 70.105D, Hazardous Waste Cleanup – Model Toxics Control Act. ¹
7	16.04.66(B)(17)	Exemption from Substantial Development Permit	17. Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration: Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of the OHWM or other criteria due to a shoreline restoration project creating a landward shift in the ordinary high water mark that brings the land under the jurisdiction of the SMA approved in accordance with PMC 16.04.072 Restoration Project Relocation of OHWM.	Projects on lands not subject to shoreline jurisdiction prior to restoration are not an allowable exemption in WAC 173-27-040. It is one of the scenarios where a government may grant relief from shoreline master program development standards and use regulations within urban growth areas in RCW

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				<p>90.58.580(1)(a)(i), however this does not mean that these projects would qualify for an exemption.</p> <p>Upon discussion with city staff it was decided that this provision should be deleted based on it not meeting exemption criteria and it is highly unlikely to occur in the City of Prosser.¹</p>
8	16.04.76(B)	Variances	<p>B. Decision Criteria: The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of the Master Program is not, by itself, sufficient reason for a variance. <u>Variance permits for developments and/or uses that will be located landward of the ordinary high water mark and/or landward of any wetland may be authorized provided The the Board of Adjustment must find-finds each of the following:</u></p> <ol style="list-style-type: none"> 1) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property; 2) That the hardship in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, form deed restrictions or the applicant's own actions; 3) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment; 4) That the variance will not constitute a grant of special privilege not enjoyed by the other properties on the area; 5) That the variance requested is the minimum necessary to afford relief; and 6) That the public interest will suffer no substantial detrimental effect. 	<p>This section only included part of the variance review criteria from WAC 173-27-170, the edits include those provisions from the WAC that were not previously included.¹</p>

			<p>C. <u>Variance permits for developments and/or uses that will be located waterward of the ordinary high water mark or within any wetland may be authorized provided the Board of Adjustment finds each of the following:</u></p> <ol style="list-style-type: none"> 1) <u>That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;</u> 2) <u>That the proposal is consistent with the criteria established under 16.04.76(B) of this master program; and</u> 3) <u>That the public rights of navigation and use of the shorelines will not be adversely affected.</u> <p>D. <u>In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.</u></p> <p>E. <u>Variances from the regulations of this master program are prohibited.</u></p>																											
9	16.20.010	Wetland rating	<p>B. <u>Wetland Ratings. Wetlands shall be rated according to the Department of Ecology wetland rating system found in the Washington State Wetland Rating for Eastern Washington (Ecology Publication No. 04-06-015 14-06-030), or as revised by Ecology. This document contains definitions and methods for determining ratings.</u></p>	Updated guidance on Ecology's wetland rating system became effective on January, 2015.																										
10	16.20.040	Wetland rating	<table border="0"> <thead> <tr> <th style="text-align: left;"><u>WETLAND TYPE</u></th> <th style="text-align: left;"><u>BUFFER</u></th> </tr> </thead> <tbody> <tr> <td colspan="2"><u>Category I</u></td> </tr> <tr> <td>Category I 30-36 8-9 habitat points</td> <td>150 feet</td> </tr> <tr> <td>Category I 26-29 6-7 habitat points</td> <td>445 120 feet</td> </tr> <tr> <td>Category I 24-25 5 habitat points</td> <td>90 feet</td> </tr> <tr> <td>Category I >24 3-4 habitat points</td> <td>75 feet</td> </tr> <tr> <td><u>Category I: Bogs and wetlands of high conservation value</u></td> <td><u>190 feet</u></td> </tr> <tr> <td><u>Category I: Alkali</u></td> <td><u>150 feet</u></td> </tr> <tr> <td colspan="2"><u>Category II</u></td> </tr> <tr> <td>Category II 30-36 8-9 habitat points</td> <td>150 feet</td> </tr> <tr> <td>Category II 26-29 6-7 habitat points</td> <td>445 120 feet</td> </tr> <tr> <td>Category II 21-25 5 habitat points</td> <td>90 feet</td> </tr> <tr> <td>Category II >21 3-4 habitat points</td> <td>75 feet</td> </tr> </tbody> </table>	<u>WETLAND TYPE</u>	<u>BUFFER</u>	<u>Category I</u>		Category I 30-36 8-9 habitat points	150 feet	Category I 26-29 6-7 habitat points	445 120 feet	Category I 24-25 5 habitat points	90 feet	Category I >24 3-4 habitat points	75 feet	<u>Category I: Bogs and wetlands of high conservation value</u>	<u>190 feet</u>	<u>Category I: Alkali</u>	<u>150 feet</u>	<u>Category II</u>		Category II 30-36 8-9 habitat points	150 feet	Category II 26-29 6-7 habitat points	445 120 feet	Category II 21-25 5 habitat points	90 feet	Category II >21 3-4 habitat points	75 feet	Updated guidance on Ecology's wetland rating system became effective on January, 2015. The proposed standards buffers have also been updated to be consistent with Ecology's review of the best available science.
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				<p>on the Ecology's updated wetland rating system rehabilitation ratios for Category I bogs and natural heritage sites should be on a case by case basis and natural heritage sites needs to be updated to wetland of high conservation value.</p>
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1. WAC 173-26-191(2)(a)(ii)(A) requires SMP regulations "be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies." Changes with references to this citation primarily address internal inconsistencies and typographical errors.

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Attachment C:

Ecology Recommended Changes

The following changes are recommended to clarify elements of the City's updated SMP

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	16.04.24(A)(1)(a)	Shoreline Vegetation Conservation	a. Maintain adequate cover of native vegetation including trees and understory. <u>If a proposed development or use includes</u> If clearing a portion of the buffer has been cleared <u>or if tree cover that is</u> substantially less than a native climax community, supplemental planting shall be required.	Generally a proposed development is only required to mitigate for impacts caused by the proposed development. The recommended edits provide clarity to this distinction so that restoration or supplemental plantings are not required on their own.
2	16.04.34(A)	Clearing and Grading, Fill	A. Clearing and grading activities in shoreline areas shall be allowed <u>only after consultation with the Washington State Department of Natural Resources and then allowed only in</u> association with a permitted shoreline development and shall be limited to the minimum extent necessary to accommodate shoreline development. Clearing and grading shall retain natural features and functions, including natural topography, to the maximum extent feasible. Excavation waterward of the OHWM or within wetlands shall be considered dredging for purposes of this program.	This change was recommended based on a comment letter received from the Washington State Department of Natural Resources during Ecology's public comment period.
3	16.04.35(C)	Dredging and Dredge Material Disposal	C. During a low water season, removal of a portion of an accretion point below OHWM but above the water level at the time of operation may be permitted <u>in coordination with the Washington State Department of Natural Resources as a Conditional Use for</u>	This change was recommended based on a comment letter received from the Washington State

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			flood control purposes as follows:								Department of Natural Resources during Ecology's public comment period.	
4	16.04.41	Permitted Use Table	Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy	Both of these uses are listed twice under the category of Industrial Uses. Eliminate the repetition.	
			Industrial									
			Solid waste processing or disposal	X	X	X	X	X	X	X		
			Hazardous materials processing or disposal	X	X	X	X	X	X	X		
5	16.04.42	Shoreline Bulk Standards	Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy	The 5s listed in this table should be superscript to refer to the corresponding footnote at the end of the table.	
			Building Setback from OHWM if not Critical Areas Vegetation Buffer is required									
			Water Dependent Use ¹	NA	NA	NA	NA	NA	NA	NA		NA ⁵
			Water Related Use	25'	25'	25'	25'	50' ²	25'	25'		
			Water Enjoyment	75'	75'	75'	75'	50' ²	75'	75'		

			ent Use								
			Non-Water Oriented Use	100'	100'	100'	100'	50' ²	75'	75'	
			Maximum Height	35'	35'	35'	35'	35'	35'	35'	
			Maximum Impervious Surface outside of Critical Area Buffers ³								
			Water Dependent Use ⁴	NA	NA	NA	NA	NA	NA	NA	NA ⁵
			Water Related Use	70%	70%	70%	50%	50%	40%	NA ⁵	
			Water Enjoyment Use	50%	50%	50%	50%	50%	40%	NA ⁵	
			Non-Water Oriented Use	40%	40%	40%	40%	50%	20%	NA ⁵	
6	16.04.43	Shoreline Reach Performance Standards	Code Reach	Inventory Reach	Shoreline Environment Designation	Public Access Guidelines	Riparian Buffers	For consistency with the rest of this table, state that there is no buffer in the park and provide clarity over the maintenance and enhancement applying to the existing vegetation and not the buffer.			
			A	Reach 1a	Residential	Opportunities for public access along the river are limited due to existing	30 foot riparian buffer with provision for minimum 10 foot buffer adjacent to				

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						residences, short of future redevelopment at a density that would trigger requirements. A trail system could follow the road with visual access to the water through gaps in the vegetation cover.	existing structures, largely to control runoff including waterborne fertilizers, pesticides and herbicides
			B	Reachs 1a and 1b	Parallel From Byron Road to Water: Recreation From Road Inland: Industrial	Public access trail along the water adjacent to the road. Use of the road for vehicular traffic may be phased out as alternative access is provided to future subdivisions and sections of the existing roadway are narrowed and used exclusively as	Riparian buffer ends at the edge of the maintained portion of the road

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					a trail.		
			C	Reach 2a part	Recreation	Public access is one feature to be included in management of the park. Trails generally should retain vegetation buffers with managed access points to the water's edge.	<u>No buffer; maintain</u> Maintain and enhance <u>buffer existing vegetation</u> as part of park management plan, except at boat launch ramp
			D	Reach 2a part	Residential	Opportunities for public access along the river are limited due to existing residences, short of future redevelopment at a density that would trigger requirements.	50 foot riparian buffer
			E	Reach 2b	Commercial	Public access area is mandatory if future use is not water dependent.	30 foot riparian buffer, or 10 feet from the top of a 40% slope higher than 10 feet

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			F	Reach 2a part	Residential	Opportunities for public access are limited to improvements to existing street ends due to the retention of existing single family lots under existing zoning.	30 foot riparian buffer, or 10 feet from the top of a 40% slope higher than 10 feet	
			G	Reach 3a part	Industrial	Informal public access available along the existing alley and provides visual access. This may be formalized and enhanced for better public viewing experience.	No buffer – water-dependent use USBR Dam	
			H	Reach 3a part	Recreation	Public access is one feature to be included in management of the park. Visual access should be provided at the top of the slope with	No buffer. Maintain and enhance buffer existing vegetation as part of park management plan	

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					managed access points to the water's edge.	
7	16.04.66(B)(2)	Exemption from Substantial Development Permit	2) Projects Valued at \$5,000 <u>\$6,416</u> or less: Any development of which the total cost or fair market value does not exceed six thousand four hundred sixteen dollars five thousand dollars (\$6,416.005,000.00) , if such development does not materially interfere with the normal public use of the water or shorelines of the state. The \$6,416 5,000 level is subject to adjustment for inflation by the office of financial management every five years. As of July 26, 2012, the adjusted cost is six thousand four hundred sixteen dollars (\$6,416).			The way this provision is stated is confusing; since the value has been updated this provision has been edited to reflect the most current value.
8	16.40.010	Classification	The flood areas in the City of Prosser are classified as either one of two types: A. Floodway. Floodways are defined as the channel of a stream and adjacent land areas which are required and discharge the floodwater or flood flows of any river or stream associated with a regulatory flood. B. Flood Fringe. The flood fringe is defined as that land area which is outside a stream's floodway, but is subject to periodic inundation due to flooding associated with a regulatory flood. These flood areas have been accurately delineated based on hydrologic and hydraulic studies completed by the Federal Emergency Management Agency in 1979, and as subsequently revised and amended. The methodology and detail of these studies is accepted as the best available. (Ord 2417§ 3 (part), 2003).			The City of Prosser has no floodway – just unnumbered A zone flood areas – therefore this whole section does not seem necessary.
9	16.40.020	Designation	All areas within the city meeting the frequently flooded designation criteria in the "Identification and Delineation Manual," regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title. The approximate location and extent of frequently flooded areas are shown on the adopted critical areas map (Exhibit 1 of the ordinance codified in this Chapter, or latest revision of the map). Maps form the			Changes to this section include reference to updated NFIP maps and accurate and consistent use of terms.

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			Federal Emergency Management Agency, as part of the National Flood Insurance Program (1979 1981 and revised), clearly delineate frequently flooded areas. The present boundaries of the floodway and one-hundred-year floodplain are those designated on the flood boundary and floodway Flood Insurance Rate Maps maps contained in the Flood Insurance Study for the City of Prosser (1979 1981), prepared by the Federal Emergency Management Agency. (Ord. 2417 § 3 (part), 2003).	
10	16.40.020	Regulation	Titles 16 and 18 f the City of Prosser Municipal Code regulate proposed activities adjacent to or within flood hazard areas. If allowed, any structures permitted in the designated frequently flooded flood areas are subject to the floodproofing flood damage regulations provided in Title 18. (Ord. 2417 § 3 (part), 2003).	Changes to this section include reference to updated NFIP maps and accurate and consistent use of terms.

Attachment D:

Public Comment Summary and City Responses: City of Prosser Locally Adopted SMP

Ecology Public Comment Period, January 26 – February 26, 2015

Prepared by Angela San Filippo, WA Dept. of Ecology, March 4, 2015

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
1	General comment	Washington State Department of Natural Resources	General comment in support of the strong policies and regulations regarding boating facilities and the prohibition of chemically treated wood pilings for overwater structures.	Comment noted
2	General comment	Washington State Department of Natural Resources	General comment regarding support of the inclusion of an aquatic environment shoreline environment designation for the Yakima River. Additional comment to point out the this aquatic environment, as defined by the City of Prosser's Shoreline Master Program, includes state-owned aquatic lands that are managed by DNR.	Comment noted
3	16.04.34(A) Clearing and Grading, Fill	Washington State Department of Natural Resources	The proposed text states that excavation waterward of the OHWM or within wetlands shall be considered dredging for the purposed of this program. DNR suggests that, attributable to state-owned aquatic lands usually being located below OHWM and dredging not being a preferred use of state-owned aquatic lands, a consultation with DNR be required prior to any dredging activity taking place.	The City proposes the following changes, with additions underlined, to the SMP to address DNR's comment: Clearing and grading activities in shoreline areas shall be allowed only <u>after consultation with the Washington State Department of Natural Resources and then allowed only</u> in association with a permitted shoreline development and shall be limited to the minimum extent necessary to accommodate shoreline development. Clearing and grading shall retain natural features and

				functions, including natural topography, to the maximum extent feasible. Excavation waterward of the OHWM or within wetlands shall be considered dredging for purposes of this program.
4	16.04.35(C) Dredging and Dredge Material Disposal	Washington State Department of Natural Resources	The proposed text states that during low water season, removal of a portion of an accretion point bar below OHWM but above the water level at the time of operation may be permitted as a Conditional Use for flood control purposes. DNR suggests that, attributable to state-owned lands usually being located below the OHWM and dredging not being a preferred use of state-owned aquatic lands, the text be modified to include a statement regarding coordination with DNR in the permitting process.	The City proposes the following changes, with additions underlined, to the SMP to address DNR's comment: During a low water season, removal of a portion of an accretion point bar below OHWM but above the water level at the time of operation may be permitted <u>in coordination with the Washington State Department of Natural Resources</u> as a Conditional Use for flood control as follows: <ol style="list-style-type: none"> 1. It is identified as an element of an adopted integrated flood control management program that demonstrates that other flood hazard reduction strategies would not be effective in the absence of material removal. 2. Specific studies accompanying the application must demonstrate that no adverse flood, erosion, or other environmental impacts would occur either upstream or downstream of extraction sites, including the natural processes of gravel transportation for the river system as a whole.

Section 17. Prosser Municipal Code Section 16.04.24 is hereby enacted to read as follows:

16.04.24 Shoreline Vegetation Conservation

- A. In addition to the Critical Areas standards of PMC Chapters 16.10, 16.20, 16.30, 16.40, 16.50, and 16.60, the following shall apply to development on the shoreline:
- 1) A vegetation management plan shall be required for all Critical Area buffer areas with degraded native vegetation within SMA jurisdiction to include:
 - a. Maintain adequate cover of native vegetation including trees and understory. If a proposed development or use includes clearing a portion of the buffer ~~has been cleared~~, or ~~if tree cover that~~ is substantially less than a native climax vegetation community, supplemental plantings shall be required.
 - b. Provide a dense screen of trees at the perimeter of the buffer to provide and protect ecological functions and reduce proximity impacts such as light and glare from adjacent areas.
 - c. Provide a plan for control of invasive weeds, and removing existing invasive species for new plantings.
 - d. Provide a monitoring and maintenance plan. This provision may be waived for single family residential lots.
- B. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of the ecological functions. Mitigation shall take place on-site to the maximum extent feasible. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule assuring completion prior to occupancy has been approved.
- C. Lawns and other non-native vegetation maintained within shoreline jurisdiction shall minimize use of chemical fertilizers, pesticides, herbicides, or other similar substances. Such chemical treatments should generally not be applied within 10 feet of the OHWM and shall be applied in accordance with manufacturer's recommendations. Applications in solid time release form shall be preferred over liquid or concentrate application. Best Management Practices (BMPs) shall be implemented in all chemical applications.

- D. Aquatic weed management by prevention is the first priority. Where active removal or destruction is necessary, it should be the minimum required to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.
- 1) Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
 - 2) The control of aquatic weeds by derooting, rotovating, or other method which disturbs the bottom sediment or benthos, shall be considered development for which a shoreline permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline permit.
 - 3) Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. A conditional use permit, and compliance with applicable federal and state laws shall be required.

Section 27. Prosser Municipal Code Section 16.04.34 is hereby enacted to read as follows:

16.04.34 Clearing and Grading, Fill

- A. Clearing and grading activities in shoreline areas shall be allowed only after consultation with the Washington State Department of Natural Resources and then allowed only in association with a permitted shoreline development and shall be limited to the minimum extent necessary to accommodate shoreline development. Clearing and grading shall retain natural features and functions, including natural topography, to the maximum extent feasible. Excavation waterward of the OHWM or within wetlands shall be considered dredging for purposes of this Program.
- B. Fill is restricted in wetlands or Fish and Wildlife Habitat Conservation Areas in accordance with Critical Areas regulations.
- C. Fill may not be placed in floodways. Fill may be placed in other flood hazard areas only where it is demonstrated that adverse impacts to hydrogeologic processes will be avoided and the provisions of PMC Chapter 15.20 are met.

- D. Fill below, or waterward, of the ordinary high water mark for any use except ecological restoration requires a conditional use permit. Fill may be placed below OHWM only when it is demonstrated as necessary to:
- 1) Accomplish an aquatic habitat restoration plan;
 - 2) Correct the adverse results of a past shoreline modification that has disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat;
 - 3) Provide for cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
- E. Expand or alter transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.

Section 28. Prosser Municipal Code Section 16.04.35 is hereby enacted to read as follows:

16.04.35 Dredging and Dredge Material Disposal

- A. Dredging shall be permitted only:
- 1) For flood control purposes, as part of an adopted regional flood control plan;
 - 2) In conjunction with a water-dependent use of water bodies or adjacent shorelands where channel modification is essential to the water dependent use;
 - 3) As part of an approved habitat improvement project;
 - 4) In conjunction with a bridge, navigational structure, or wastewater treatment facility for which there is a documented public need and where other sites or methods are not feasible.
- B. New dredging shall be permitted only where it is demonstrated by a report by a qualified professional that it will avoid adverse impacts to water quality, Fish and Wildlife Habitat Conservation Areas and other Critical Areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of ecological functions.
- C. During a low water season, removal of a portion of an accretion point bar below OHWM but above the water level at the time of operation may be permitted in coordination with the Washington State Department of Natural Resources as a Conditional Use for flood control purposes as follows:

- 4) It is identified as an element of an adopted integrated flood control management program that demonstrates that other flood hazard reduction strategies would not be effective in the absence of material removal.
 - 5) Specific studies accompanying the application must demonstrate that no adverse flood, erosion, or other environmental impacts would occur either upstream or downstream of extraction sites, including the natural processes of gravel transportation for the river system as a whole.
- D. Dredge material disposal shall be permitted only at locations where it is demonstrated by analysis by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, Critical Areas, flood holding capacity, natural drainage and water circulation patterns, prime agricultural land, or public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.
- E. Disposal of dredge material within Fish and Wildlife Habitat Conservation Areas (FWHCA), wetlands, within a floodplain, or within a river's channel migration zone shall be allowed only where alternative disposal sites are not feasible. In the limited instances where it is allowed, such disposal shall require a conditional use permit. Applicants shall demonstrate that:
- 6) The proposed dredge materials disposal site is subject to an approved use under this program that:
 - a. Is an element of an approved restoration plan for aquatic or upland fish and wildlife habitat.
 - b. Will create, expand, rehabilitate, or enhance a beach that provides public recreation opportunities and is permitted under this program.
 - c. If on private land, the site will ultimately be suitable for a use permitted by this program or will be subject to buffer or other open space restrictions.
 - 7) The smallest possible land area is affected.
 - 8) Sites will be adequately screened from view of local residents or passersby on public right-of-ways to the maximum extent practicable (e.g. combination of fencing and vegetation).
 - 9) Sites will be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other critical areas functions.

10) Shoreline ecological functions and processes will be preserved, including protection of riparian buffers and surface and ground water.

Section 31. Prosser Municipal Code Section 16.04.41 is hereby enacted to read as follows:

16.04.41 Permitted Use Table

F.A. The following table determines which shoreline uses are allowed or prohibited in each shoreline environment.

G.B. Land uses allowed are subject to the preference for water-oriented uses and subject to specific criteria for uses and shoreline modification included in these regulations.

H.C. Uses allowed in the Aquatic Environment are those allowed in the adjacent upland environment and limited to water-dependent use, ecological enhancement, and those transportation and utility facilities and Essential Public Facilities for which no alternative location is feasible.

I.D. Land uses in the underlying zoning that require a conditional use permit in the underlying zoning district, require a shoreline conditional use permit.

J.E. If a use is prohibited in the underlying zoning district, it is also prohibited in shoreline management act jurisdiction.

K.F. KEY: X= Prohibited, P= Permitted, CU= Conditional Use Permit, PA=Permitted only as an accessory to a permitted use, Z = Permitted subject to underlying zoning.

L.G. A use is considered unclassified when it is not listed in the in the Shoreline Modifications and Uses Regulations and is allowed in underlying zoning. A proposed unclassified use may be authorized as a conditional use provided that the applicant can demonstrate consistency with the requirements of this Master Program and the requirements for conditional uses.

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Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Resource							
Aquaculture	CU	CU	CU	CU	CU	X	X
Agriculture, except for dairying,	P	P	X	X	X	X	X

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
poultry raising, and livestock							
Dairying; poultry raising; livestock; and labor camps	X	X	X	X	X	X	X
Mining	X	X	X	CU	X	X	X
Residential	X	X	X	X	X	X	X
One single family dwelling per lot	Z	Z	Z	Z	P	CU	CU
Duplex	X	X	X	X	Z	X	X
Multifamily	X	Z	X	X	Z	X	X
Mobile home park	X	X	X	X	Z	X	X
Accessory Dwelling Unit (RCW 43.63A.215)	X	X	X	X	P	X	X
Bed and breakfast	X	Z	X	X	CU	X	X
Home occupation	X	X	X	X	Z	X	X
Public and Quasi Public Uses							
Boat launches	CU	CU	CU	CU	CU	CU	CU
Public recreational facilities	P	P	P	P	P	P	CU
Private recreational facilities	P	P	P	P	CU	P	X
Campgrounds	X	CU	CU	X	X	X	X
Golf courses	CU	X	X	X	CU	X	CU
Trails hard surface	P	P	P	P	P	P	CU
Trails soft surface	P	P	P	P	P	P	P
Commercial recreation: Fitness centers/sport clubs	X	X	P	X	X	X	X
Commercial amusement facilities	X	X	X	X	X	X	X
Civic and community buildings	CU	CU	CU	CU	CU	CU	X
Public or private schools	CU	CU	CU	CU	CU	CU	X
Government offices	CU	CU	CU	CU	CU	CU	X
Nursery school and day care center	X	X	Z	X	CU	X	X

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Family day care center (RCW 35.63.185)	X	X	P	X	P	X	X
Museums	CU	CU	CU	CU	CU	CU	X
Nursing homes, homes for the aged	X	X	Z	X	X	X	X
Hospitals and health care facilities	X	X	CU	X	X	X	X
Churches	CU	CU	CU	CU	CU	CU	X
Irrigation facilities, dams, canals, etc.	CU	CU	CU	CU	CU	CU	CU
Essential public facilities	CU	CU	CU	CU	CU	CU	CU
Commercial/Retail	✕	✕	✕	✕	✕	✕	✕
Marine sales, service, and rental	X	P	P	X	X	X	X
Marina	X	CU	CU	X	CU	CU X	X
Bakeries, barber and beauty shops, etc.	X	P	P	X	X	X	X
Commercial laundry and dry cleaning	X	X	CU	X	X	X	X
Retail uses	X	P	P	X	X	X	X
Restaurants	X	P	P	CU	X	X	X
Drinking establishments	X	P	P	PA	X	X	X
Hotel and motel	X	P	P	X	X	X	X
Banqueting halls	X	P	P	X	X	X	X
Resort	X	P	P	X	X	X	X
Recreation vehicle parks	X	X	Z	X	X	X	X
Theaters and amphitheaters	X	P	P	X	X	X	X
Veterinarians and kennels	X	X	X	X	X	X	X
Offices serving a permitted use	P	P	P	P	P	P	X
Offices as a primary use	X	X	X	X	X	X	X
Printing and publishing	X	X	Z	X	X	X	X
On-site hazardous waste treatment	X	X	X	X	X	X	X

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
and storage							
Nurseries and greenhouses	P	CU	X	CU	X	X	X
Lumber and building materials	X	X	P	CU	X	X	X
Automotive, truck, RV sales and service	X	X	X	X	X	X	X
Gasoline service station	X	X	X	X	X	X	X
Industrial							
Water-dependent industrial	Z	Z	X	P	X	X	X
Water-related industrial	Z	Z	X	P	X	X	X
Water-oriented industrial	Z	Z	X	P	X	X	X
Agriculture products processing	P	X	X	P	X	X	X
Wineries, including sales	P	P	P	P	X	X	X
Microbreweries	P	P	P	P	X	X	X
Municipal and utility yards	X	X	X	CU	X	X	X
Solid waste processing or disposal	X	X	X	X	X	X	X
Hazardous materials processing or disposal	X	X	X	X	X	X	X
Commercial moving and storage	X	X	X	X	X	X	X
Vessel repair	X	X	X	P	X	X	X
Equipment supply, repair, service	X	X	X	X	X	X	X
Manufacturing, other than food processing	X	X	X	P	X	X	X
Sale of items manufactured on-site	P	P	X	P	X	X	X
Industrial and scientific research laboratories	X	X	X	P	X	X	X
Petroleum, coal, fuel storage distribution	X	X	X	X	X	X	X
Junk or salvage yards	X	X	X	X	X	X	X
Solid waste processing or disposal	X						
Hazardous materials processing or disposal	X						

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
disposal							
Warehouses, storage, distribution	X	X	X	P	X	X	X
Transportation							
Roads and railroads serving shoreline uses	P	P	P	P	P	P	P
Roads and railroads NOT serving shoreline uses	CU	CU	CU	CU	CU	CU	CU
Park-and-Ride lots	X	X	X	X	X	X	X
Parking areas and facilities serving a primary use within the shoreline	P	P	P	P	P	P	P
Parking areas and facilities NOT serving a primary use within the shoreline	X	X	X	X	X	X	X
Parking as a principal use	X	X	X	X	X	X	X
Utilities							
Public and private utility distribution serving shoreline uses, water, sewer, electrical, gas, and communication	P	P	P	P	P	P	CU
Public and private utility distribution serving uses within the city	P	P	P	P	P	P	CU
Utility facilities serving uses not within the City	CU	CU	CU	CU	CU	CU	CU
Electrical transmission of greater than 50 Kilovolts	CU	CU	CU	CU	CU	CU	CU
Gas transmission larger than 6 inches in diameter	CU	CU	CU	CU	CU	CU	CU
Oil or other pipelines	CU	CU	CU	CU	CU	CU	CU
Utility buildings (pump stations, etc.)	CU	CU	CU	CU	CU	CU	CU
Electrical substations	CU	CU	CU	CU	X	X	X

Section 32. Prosser Municipal Code Section 16.04.42 is hereby enacted to read as follows:

16.04.42

Shoreline Bulk Standards

The following table determines bulk standards in each shoreline environment.

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Fish and Wildlife Conservation Area Buffer from OHWM							
If not established by Table 16.04.043							
Water Dependent Use ¹	NA	NA	NA	NA	NA	NA	NA
Water Related Use	100'	150'	150'	150'	50' ²	50'	200
Water Enjoyment Use	100'	150'	150'	150'	50' ²	50'	200
Non-Water-Oriented Use	150'	150'	150'	150'	50' ²	50'	200
Building Setback from Critical Areas Vegetation Buffer	15'	15'	15'	15'	15'	15'	25'
Building Setback from OHWM if no Critical Areas Vegetation Buffer is required							
Water Dependent Use ¹	NA	NA	NA	NA	NA	NA	NA ⁵
Water Related Use	25'	25'	25'	25'	50' ²	25'	25'
Water Enjoyment Use	75'	75'	75'	75'	50' ²	75'	75'
Non-Water-Oriented Use	100'	100'	100'	100'	50' ²	100'	150
Maximum Height	35'	35'	35'	35'	35'	35'	25'
Maximum Impervious Surface outside of Critical Area Buffers³							
Water Dependent Use ⁴	NA	NA	NA	NA	NA	NA	NA ⁵
Water Related Use	70%	70%	70%	50%	50%	40%	NA ⁵
Water Enjoyment Use	50%	50%	50%	50%	50%	40%	NA ⁵
Non-Water-Oriented Use	40%	40%	40%	40%	50%	20%	NA ⁵
Minimum Lot Size	As established by underlying zoning						
Minimum Lot Width	As established by underlying zoning						
Minimum Lot Depth	As established by underlying zoning						
Front Setback	As established by underlying zoning						
Street Setback	As established by underlying zoning						
Side Setback	As established by underlying zoning						
Rear Setback	As established by underlying zoning						
Density	As established by underlying zoning						

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Table Notes:

1. No vegetated buffer or building setback is required for those elements of a Water-Dependent Use that requires direct access to the water. Other elements of the use are subject to the buffer standards for water-related uses.

2. Does not apply to area within Critical Areas Vegetation buffer, which is normally 0% impervious, does not include impervious area of required public access facilities or private trails.
3. Building setbacks may be adjusted to the average of existing setbacks of the two lots on either side of the subject lot, provided that Critical Areas buffers are complied with.
4. No impervious surface limit applies to those elements of a Water-Dependent Use that requires direct access to the water. Other elements of a water dependent use not requiring direct access to the water are subject to the imperious standards for water-related uses.
5. Applies to all Shoreline Environmental Designations: Standards for Transportation and utility facilities are determined by specific conditions at the time of approval of new facilities or expansion of existing facilities.

Section 33. Prosser Municipal Code Section 16.04.43 is hereby enacted to read as follows:

16.04.43 Shoreline Reach Performance Standards

The following table determines performance standards for each shoreline reach.

Code Reach	Inventory Reach	Shoreline Environment Designation	Public Access Guidelines	Riparian Buffers
A	Reach 1a	Residential	Opportunities for public access along the river are limited due to existing residences, short of future redevelopment at a density that would trigger requirements. A trail system could follow the road with visual access to the water through gaps in the vegetation cover.	30 foot riparian buffer with provision for minimum 10 foot buffer adjacent to existing structures, largely to control runoff including waterborne fertilizers, pesticides and herbicides
B	Reaches 1a and 1b	Parallel From Byron Road to Water: Recreation From Road Inland: Industrial	Public access trail along the water adjacent to the road. Use of the road for vehicular traffic may be phased out as alternative access is provided to future subdivisions and sections of the existing roadway are narrowed and used exclusively as a trail.	Riparian buffer ends at the edge of the maintained portion of the road
C	Reach 2a part	Recreation	Public access is one feature to be included in management of the park. Trails generally should retain vegetation buffers	No buffer; maintain Maintain and enhance buffer-existing vegetation as part of a park management plan, except at boat launch

Code Reach	Inventory Reach	Shoreline Environment Designation	Public Access Guidelines	Riparian Buffers
			with managed access points to the water's edge.	ramp
D	Reach 2a part	Residential	Opportunities for public access along the river are limited due to existing residences, short of future redevelopment at a density that would trigger requirements.	50 foot riparian buffer
E	Reach 2b	Commercial	Public access area is mandatory if future use is not water dependent.	30 foot riparian buffer, or 10 feet from the top of a 40% slope higher than 10 feet
F	Reach 2a part	Residential	Opportunities for public access are limited to improvements to existing street ends due to the retention of existing single family lots under existing zoning.	30 foot riparian buffer, or 10 feet from the top of a 40% slope higher than 10 feet
G	Reach 3a part	Industrial	Informal public access available along the existing alley and provides visual access. This may be formalized and enhanced for better public viewing experience.	No buffer – water-dependent use USBR Dam
H	Reach 3a part	Recreation	Public access is one feature to be included in management of the park. Visual access should be provided at the top of the slope with managed access points to the water's edge.	No buffer: maintain and enhance buffer <u>existing vegetation</u> as part of a park management plan
I	Reach 3a part	Residential	Opportunities for public access are limited to improvements to existing street ends due to the retention of existing single family lots under existing zoning.	30 foot riparian buffer, or 15 feet from the top of a 40% slope higher than 10 feet
J	Reach 3b	Industrial	Public access area is mandatory if future use is non-water dependent or if existing use expands substantially. Public access should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	30 foot riparian buffer, or 25 feet from the top of a 40% slope higher than 10 feet
K	Reach 3c part	Agri-Business	Public access area is mandatory if future use is non-water dependent. Public access should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	Extent of floodplain or 25 feet from top of slope, not to exceed shoreline jurisdiction

Code Reach	Inventory Reach	Shoreline Environment Designation	Public Access Guidelines	Riparian Buffers
L	Reach 4a part	Agri-Business	Public access area is mandatory if future use is non-water dependent. Public access should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	Extent of floodplain plus 25 feet from top of slope, not to exceed shoreline jurisdiction
M	Reach 4a part	Residential	Public access area is mandatory if future use is more than 4 units, or non-water dependent Public access should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	60 feet or 15 feet from top of slope
N	Reach 4a	Industrial	Public access area is mandatory if future use is non-water dependent or if existing use expands substantially. Public access should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	Extent of floodplain plus 25 feet from top of slope, not to exceed shoreline jurisdiction
O	Reach 4b	Industrial	Public access would need to be carefully controlled to avoid adverse impacts to the largest area of relatively intact riparian habitat in the city.	Extent of floodplain plus 25 feet from top of slope, not to exceed shoreline jurisdiction
P	Reach 5a part	Residential	Public access area will be implemented in subdivisions of more than 5 lots, a continuous trail system located behind the critical area buffer parallel to the shoreline to provide common use by residents and the public..	From the north-south extension of S. Moore Road to the east-west extension of W North River Road – 65 foot riparian buffer North of the east-west extension of W North River road - 30 foot riparian buffer
Q	Reach 5c	Agri-Tourist	Public access area will be implemented in future development consisting of a continuous trail system located behind the critical area buffer located parallel to the shoreline to provide common use by users within the development and the public..	75 foot riparian buffer
R	Reach 5d	Residential	This single family lot would not be required to provide public access.	50 foot riparian buffer
S	Reach 6a	Public Land	Public access should be carefully controlled to avoid adverse impacts to this	200 foot riparian buffer

Code Reach	Inventory Reach	Shoreline Environment Designation	Public Access Guidelines	Riparian Buffers
			relatively intact riparian habitat.	
T	Reach 6b	Agribusiness	Public access area is mandatory if future use is non-water dependent and should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	100 foot riparian buffer to 25 feet above top of slope

Section 50. Prosser Municipal Code Section 16.04.66 is hereby enacted to read as follows:

16.04.66 Exemption from Substantial Development Permit

A. A substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.140(1).

B. The following shall not be considered substantial developments for the purpose of this Master Program and are exempt from obtaining a Shoreline Substantial Development Permit (SSDP), provided that any additional exemptions established by legislative amendment of the statute shall constitute exemptions without amendment to this code. An exemption from an SSDP is not an exemption from compliance with the SMA or the Shoreline Master Program, or from any other regulatory requirements. A use or development exempt from a Shoreline Substantial Development Permit may require a Conditional Use Permit or a variance:

- 1) Governor's Certification: Any project with a certification from the Governor pursuant to Chapter 80.50 RCW Energy Facilities – Site Locations.
- 2) Projects Valued at ~~\$5,000~~\$6,416 or less: Any development of which the total cost or fair market value does not exceed ~~five thousand dollars (\$5,000.00)~~six thousand four hundred and sixteen dollars (\$6,416), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The \$5,000 level is subject to adjustment for inflation by the office of financial management every five years. ~~As of July 26, 2012, the adjusted cost is six thousand four hundred sixteen dollars (\$6,416).~~

- 3) Maintenance and Repair: Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.
- a. “Normal maintenance” includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.
 - b. “Normal repair” means to restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.
 - c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
- 4) Emergency Construction: Emergency construction necessary to protect property from damage by the elements.
- a. An “emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow for full compliance with the Shoreline Master Program.
 - b. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, 173 -27 WAC or this Shoreline Program shall be obtained.
 - c. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the Shoreline Master Program.
 - d. In general, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent, are not an emergency.
- 5) Agricultural Construction or Practices: Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature,

alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

- 6) Construction of Single-Family Residence and Accessory Buildings: Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level as defined in WAC 173-27-030, and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Section.
 - a. "Single family" residence means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM and the perimeter of a wetland.
 - b. Construction authorized under this exemption shall be located landward of the OHWM.
- 7) Construction of Non-Commercial Docks: Construction of a dock, including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multi-family residences. This exception applies if:
 - a. The fair market value of the dock does not exceed ten thousand dollars (\$10,000.00); however, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five (5) years of completion of the prior construction, the subsequent construction shall require a substantial development permit; and
 - b. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances.
 - c. The dock meets all requirements of this code.
- 8) Construction Authorized by the Coast Guard: Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

- 9) Operation, Maintenance, or Construction Related to Irrigation: Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.
- 10) Marking of Property Lines on State-Owned Lands: The marking of property lines or corners on State-owned lands when such marking does not interfere with the normal public use of the surface of the water.
- 11) Operation and Maintenance of Agricultural Drainage or Dikes: Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
- 12) Activities Necessary for Permit Application: Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under the Shoreline Master Program, if:
- a. The activity does not interfere with the normal public use of the surface waters;
 - b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - d. A private entity seeking development authorization under the Shoreline Master Program first posts a performance bond or provides other evidence of financial responsibility to the Administrator to ensure that the site is restored to pre-existing conditions; and
 - e. The activity is not subject to the permit requirements of RCW 90.58.550.
- 13) Removal or Control of noxious Weeds: The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other State agencies under chapter 43.21C RCW.
- 14) Watershed Restoration Projects: Watershed restoration projects as defined below:

- a. “Watershed restoration project” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - (i) A project that involves less than ten (10) miles of stream reach, in which less than twenty five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.
 - (ii) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.
 - (iii) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the State, provided that any structure other than a bridge or culvert or in-stream habitat enhancement structure associated with the project is less than two hundred (200) square feet in floor area and is located above the OHWM of the stream.
- b. “Watershed restoration plan” means a plan developed or sponsored by a state department, a federally recognized Indian tribe, a City, or a conservation district, for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

15) Projects to Improve Fish and Wildlife Passage or Habitat: A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

- a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose.
- b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 77.55 RCW.
- c. The Administrator has determined that the project is consistent with this Master Program.

16) Hazardous Substance Remediation: Hazardous substance remedial actions pursuant to WAC 173-27-040(3).

17) Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration: Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of OHWM or other criteria due to a shoreline restoration project creating a landward shift in the ordinary high water mark that brings the land under the jurisdiction of the SMA approved in accordance with PMC 16.04.072 Restoration Project Relocation of OHWM.

18) All of the above exemptions are subject to the following regulations:

- a. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
- b. The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.
- c. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire project.

Section 49. Prosser Municipal Code Section 16.04.65 is hereby enacted to read as follows:

16.04.65 Non-Conformities

C. The provisions of PMC Subsections 18.66.010 through 18.66.030 referencing nonconforming lots, structures, and uses ~~provide review and administration regulations~~ ~~are adopted by reference as part of this program~~, subject to the definition in PMC 16.04.23.L and additional provisions below.

D. Any expansion of a nonconforming use, building, or structure within Shoreline Management Act jurisdiction shall meet the following additional criteria:

19) The expansion or enlargement will not increase its degree of nonconformity in relation to the provisions of the Shoreline Master Program; and

20) The expansion or enlargement will not result in enlargement of the building footprint or impervious area in a Critical Area buffer or extends further toward the water unless necessary to meet minimum standards of life-safety codes; and

21) The expansion or enlargement will not result in a net loss of ecological functions;

Section 50. Prosser Municipal Code Section 16.04.66 is hereby enacted to read as follows:

16.04.100 Exemption from Substantial Development Permit

E. A substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.140(1).

F. The following shall not be considered substantial developments for the purpose of this Master Program and are exempt from obtaining a Shoreline Substantial Development Permit (SSDP), provided that any additional exemptions established by legislative amendment of the statute shall constitute exemptions without amendment to this code. An exemption from an SSDP is not an exemption from compliance with the SMA or the Shoreline Master Program, or from any other regulatory requirements. A use or development exempt from a Shoreline Substantial Development Permit may require a Conditional Use Permit or a variance:

22) Governor's Certification: Any project with a certification from the Governor pursuant to Chapter 80.50 RCW Energy Facilities – Site Locations.

23) Projects Valued at \$5,000 or less: Any development of which the total cost or fair market value does not exceed five thousand dollars (\$5,000.00), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The \$5,000 level is subject to adjustment for inflation by the office of financial management every five years. As of July 26, 2012, the adjusted cost is six thousand four hundred sixteen dollars (\$6,416).

24) Maintenance and Repair: Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.

- d. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.
- e. "Normal repair" means to restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.

- f. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

25) Emergency Construction: Emergency construction necessary to protect property from damage by the elements.

- e. An “emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow for full compliance with the Shoreline Master Program.
- f. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, 173 -27 WAC or this Shoreline Program shall be obtained.
- g. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the Shoreline Master Program.
- h. In general, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent, are not an emergency.

26) Agricultural Construction or Practices: Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

27) Construction of Single-Family Residence and Accessory Buildings: Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet

above average grade level as defined in WAC 173-27-030, and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Section.

- c. "Single family" residence means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM and the perimeter of a wetland.
- d. Construction authorized under this exemption shall be located landward of the OHWM.

28) Construction of Non-Commercial Docks: Construction of a dock, including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multi-family residences. This exception applies if:

- d. The fair market value of the dock does not exceed ten thousand dollars (\$10,000.00); however, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five (5) years of completion of the prior construction, the subsequent construction shall require a substantial development permit; and
- e. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances.
- f. The dock meets all requirements of this code.

29) Construction Authorized by the Coast Guard: Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

30) Operation, Maintenance, or Construction Related to Irrigation: Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.

31) Marking of Property Lines on State-Owned Lands: The marking of property lines or corners on State-owned lands when such marking does not interfere with the normal public use of the surface of the water.

- 32) Operation and Maintenance of Agricultural Drainage or Dikes: Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
- 33) Activities Necessary for Permit Application: Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under the Shoreline Master Program, if:
- f. The activity does not interfere with the normal public use of the surface waters;
 - g. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - h. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - i. A private entity seeking development authorization under the Shoreline Master Program first posts a performance bond or provides other evidence of financial responsibility to the Administrator to ensure that the site is restored to pre-existing conditions; and
 - j. The activity is not subject to the permit requirements of RCW 90.58.550.
- 34) Removal or Control of noxious Weeds: The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other State agencies under chapter 43.21C RCW.
- 35) Watershed Restoration Projects: Watershed restoration projects as defined below:
- c. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - (iv) A project that involves less than ten (10) miles of stream reach, in which less than twenty five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.
 - (v) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization

only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.

(vi) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the State, provided that any structure other than a bridge or culvert or in-stream habitat enhancement structure associated with the project is less than two hundred (200) square feet in floor area and is located above the OHWM of the stream.

d. "Watershed restoration plan" means a plan developed or sponsored by a state department, a federally recognized Indian tribe, a City, or a conservation district, for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

36) Projects to Improve Fish and Wildlife Passage or Habitat: A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

- d. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose.
- e. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 77.55 RCW.
- f. The Administrator has determined that the project is consistent with this Master Program.

~~37) Hazardous Substance Remediation: Hazardous substance remedial actions pursuant to WAC 173-27-040(3).~~

~~38) Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration: Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of OHWM or other criteria due to a shoreline restoration project creating a landward shift in the ordinary high water mark that brings the land under the jurisdiction of the SMA approved in accordance with PMC 16.04.072 Restoration Project Relocation of OHWM.~~

~~39) 37) _____~~ All of the above exemptions are subject to the following regulations:

- d. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
- e. The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.
- f. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire project.

Section 60. Prosser Municipal Code Section 16.04.76 is hereby enacted to read as follows:

16.04.101 Variances:

- G. A development may be granted which is at variance with the criteria established in the SMP where, owing to special conditions pertaining to the specific piece of property, the literal interpretation and strict application of the criteria established in the SMP would cause undue and unnecessary hardship or practical difficulties. A variance may be required for a use that does not require a substantial development permit but which may not be approved because it does not comply with the provisions of the SMP.

Decision Criteria: The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of the Master Program is not, by itself, sufficient reason for a variance. The Board of Adjustment must find each of the following:

~~4(4)38)~~ ___ That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

That the variance requested is the minimum necessary to afford relief; and

That the public interest will suffer no substantial detrimental effect.

Section 60. Prosser Municipal Code Section 16.04.76 is hereby enacted to read as follows:

16.04.76 Variances:

H. A development may be granted which is at variance with the criteria established in the SMP where, owing to special conditions pertaining to the specific piece of property, the literal interpretation and strict application of the criteria established in the SMP would cause undue and unnecessary hardship or practical difficulties. A variance may be required for a use that does not require a substantial development permit but which may not be approved because it does not comply with the provisions of the SMP.

I. Decision Criteria: The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of the Master Program is not, by itself, sufficient reason for a variance. Variance permits for developments and/or uses that will be located landward of the ordinary high water mark and/or landward of any wetland may be authorized provided the Board of Adjustment ~~must~~ finds each of the following:

~~41)39)~~ ___ That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

~~42)40)~~ ___ That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

~~43)41)~~ ___ That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

~~44)42)~~ ___ That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

45)13) That the variance requested is the minimum necessary to afford relief; and

46)44) That the public interest will suffer no substantial detrimental effect.

C. Variance permits for developments and/or uses that will be located waterward of the ordinary high water mark or within any wetland may be authorized provided the Board of Adjustment finds each of the following:

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1. That the strict application of the bulk, dimensional, or performance standards set forth in the master program precludes all reasonable use of the property;

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2. That the proposal is consistent with the criteria established under 16.04.76(B) of the master program; and

3. That the public rights of navigation and use of the shoreline will not be adversely affected.

D. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like action in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of all variances shall also remain consistent with the policies of RCW 9.58.020 and shall not cause substantial adverse effects to the shoreline environment.

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E. Variances from the use regulations of this master program are prohibited.

Section 3. That portion of Section 3 of Ordinance Number 03-2417 that enacted Prosser Municipal Code Section 16.20.010 and Prosser Municipal Code Section 16.20.010 are both hereby amended and reenacted to read as follows:

16.20.010 Designation, rating and mapping wetlands.

- A. Designating Wetlands. Wetlands are those areas, designated in accordance with the "Washington State Wetland Identification and Delineation Manual," that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the city of Prosser meeting the wetland designation criteria in the "Identification and Delineation Manual," regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.
- B. Wetland Ratings. Wetlands shall be rated according to the Department of Ecology wetland rating system found in the Washington State Wetland Rating for Eastern Washington (Ecology Publication No. ~~04-06-01514-06-030~~), or as revised by Ecology. This document

contains definitions and methods for determining ratings.

Section 4. That portion of Section 3 of Ordinance Number 03-2417 that enacted Prosser Municipal Code Section 16.20.040 and Prosser Municipal Code Section 16.20.040 are both hereby amended and reenacted to read as follows:

16.20.040 Performance standards—General requirements.

- A. Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and values of the wetland and other critical areas.
- B. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this title.
- C. Wetland Buffers.
 - 1. Standard Buffer Widths. The standard buffer widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation is inadequate then the buffer width shall be increased or the buffer should be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land use intensity, are as follows:

WETLAND TYPE	BUFFER
Category I	
Category I 30-36 -9 habitat points	150 feet
Category I 26-29 -7 habitat points	120 115 feet
Category I 21-25 5 habitat points	90 feet
Category I > 13 -4 habitat points	75 feet
<u>Category I: Bogs and Wetlands of high conservation value</u>	<u>190 feet</u>
<u>Category I: Alkali</u>	<u>150 feet</u>
Category II	
Category II 30-36 habitat points	150 feet
Category II 26-29 habitat points	115 120 feet
Category II 21-25 habitat points	90 feet
Category II >21 habitat points	75 150 feet
Category III	
Category III 26-29 habitat points	120 200 feet
Category III 21-25 habitat points	120 90 feet
Category III >21 habitat points	60 90 feet
Category IV (all)	40 60 feet

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The following measures shall be incorporated into adjacent development:

Type of Potential Disturbance	Required Measures to Minimize Impacts
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Lights	Direct lights away from wetland.
Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use Low Intensity Development techniques (per Eastern Washington Low Impact Development Guidance Manual, Washington Department of Ecology publication #13-10-036, June 2013 and as may be hereafter amended, supplemented, or replaced.)).
Change in patterns or water flow	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	Use best management practices to control dust.
Disruption of corridors or connections	Maintain connections to offsite areas that are undisturbed. Restore corridors or connections to offsite habitats by replanting.

2. Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The buffer for a wetland created, restored, or enhanced as compensation for wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.
3. Increased Wetland Buffer Widths. The city shall require increased buffer widths in accordance with the recommendations of a qualified professional biologist and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination

shall be based on one or more of the following criteria:

- a. A larger buffer is needed to protect other critical areas;
- b. The buffer or adjacent uplands has a slope greater than fifteen percent or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland; or
- c. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include provisions for monitoring and maintenance to ensure success.
- d. At no time shall wetland buffers be increased to a width two times that of the standard required buffer.

4. Reduction of Wetland Buffer Widths.

- a. The city may allow the standard wetland buffer width to be reduced in accordance with the report and the best available science on a case-by-case basis when it is determined that a smaller area is adequate to protect the wetland functions and values based on site-specific characteristics.
- b. This determination shall be supported by documentation showing that a reduced buffer is adequate based on all of the following criteria:
 - i. Requiring the standard buffer poses an extraordinary hardship on the landowner;
 - ii. The existing buffer area is well vegetated with native species and has less than ten percent slopes; and
 - iii. No direct or indirect short-term or long-term adverse impacts to wetlands will result from the proposed activity.
- c. The city may require long-term monitoring of the buffer and wetland. Subsequent corrective actions may be required if adverse impacts to wetlands are discovered during the monitoring period.
- d. In no case shall the standard buffer width be reduced by more than fifty percent, or the buffer width be less than fifty feet, whichever is greater, unless the applicant demonstrates an acceptable reasonable use as described in Section 16.10.120.
- e. Isolated Category 3 and 4 wetlands less than 1,000 square feet may be exempt from the buffer provisions contained in this Chapter and the normal mitigation sequencing process. They may be displaced if impacts are fully mitigated. Such wetlands:
 - i. Are not associated with riparian areas or buffers.
 - ii. Are not part of a wetland mosaic.
 - iii. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.

Section 5. That portion of Section 3 of Ordinance Number 03-2417 that enacted Prosser Municipal Code Section 16.20.050 and Prosser Municipal Code Section 16.20.050 are both hereby amended and reenacted to read as follows:

16.20.050 Performance standards—Mitigation requirements.

- A. Mitigation Shall Achieve Equivalent or Greater Biological Functions. Mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions and shall be consistent with the Department of Ecology “Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals,” 1994, as revised.
- B. Mitigation Shall Result in No Net Loss. Wetland mitigation actions shall not result in a net loss of wetland area except when the following criteria are met:
 - 1. The lost wetland area provides minimal functions and the mitigation action(s) results in a net gain in wetland functions as determined by a site-specific function assessment using Department of Ecology “Methods for Assessing Wetland Functions, Volume 2, Depressional Wetlands in the Columbia Basin of Eastern Washington, Parts 1 and 2,” December 2000; or
 - 2. The lost wetland area provides minimal functions as determined by a site-specific function assessment and other protected or enhanced habitats provide greater benefits to the functioning of the watershed, such as riparian habitat protection and enhancement.
- C. Mitigation for Lost Functions and Values. Mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement, and shall provide similar wetland functions as those lost except when:
 - 1. The lost wetland provides minimal functions as determined by a site-specific function assessment and the proposed mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal watershed assessment protocol; or
 - 2. Out-of-kind replacement will best meet formally identified regional goals, such as replacement of historically diminished wetland types.
- D. Preference of Mitigation Actions. Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:
 - 1. Restoring wetlands on upland sites that were formerly wetlands.
 - 2. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of exotic introduced species.
 - 3. Enhancing significantly degraded wetlands.

4. Preserving high-quality wetlands that are under imminent threat.

- E. Type and Location of Mitigation. Mitigation actions shall be conducted within the same subdrainage basin and on the site as the alteration except when the following apply:
1. There are no reasonable on-site opportunities or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
 2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
 3. Off-site locations shall be in the same subdrainage basin and the same water resource inventory area (WRIA) unless:
 - a. The impact is located near the boundary of a WRIA;
 - b. Established regional or watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or
 - c. Credits from a state-certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

- F. Mitigation Timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

The city may authorize a one-time temporary delay, up to one hundred twenty days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety and general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the city, and include a financial guarantee in the form of a cash bond or similar mechanism

G. Mitigation Ratios.

1. Acreage Replacement Ratios. The following ratios shall apply to creation or restoration that is in-kind, on-site, the same category, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent

with the requirements of the bank's certification. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Wetland Mitigation Ratios				
Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement	Preservation
Category I: Bog, Natural Heritage Site wetland of high conservation value	Not considered possible	6:1 <u>Case by case</u>	Case by case	10:1
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on Functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

Note: Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

2. Increased Replacement Ratio. The city may increase the ratios under the following circumstances:
 - a. Uncertainty exists as to the probable success of the proposed restoration or creation; or
 - b. A significant period of time will elapse between impact and replication of wetland functions; or
 - c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
 - d. The impact was an unauthorized impact.
3. Decreased Replacement Ratio. The city may decrease these ratios under the following circumstances:
 - a. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
 - b. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or
 - c. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

4. Minimum Replacement Ratio. In all cases, a minimum acreage replacement ratio of one-to-one shall be required.

H. Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - a. The bank is certified under Chapter 173-700 WAC;
 - b. The city determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one water resource inventory area (WRIA) for specific wetland functions.

I. Wetlands Enhancement as Mitigation.

1. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands. Applicants proposing to enhance wetlands must produce a report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.
2. At a minimum, enhancement acreage shall be double the acreage required for creation or restoration under subsection G of this section. The ratios shall be greater than double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

J. Wetland Preservation as Mitigation. Impacts to wetlands may be mitigated by preservation of wetland areas when used in combination with other forms of mitigation such as creation, restoration, or enhancement at the preservation site or at a separate location. Preservation may also be used by itself, but more restrictions, as outlined below, will apply.

1. Preservation in Combination with Other Forms of Compensation. Preservation as mitigation is acceptable when done in combination with restoration, creation, or enhancement; providing, that a minimum of one-to-one acreage replacement is provided by restoration or creation and the criteria below are met.
 - a. The impact area is small and/or impacts are to a Category III or IV wetland;

- b. Preservation of a high-quality system occurs in the same water resource inventory area (WRIA) or watershed basin as the wetland impact; and
 - c. Preservation sites include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.
2. Preservation as the Sole Means of Mitigation for Wetland Impacts. Preservation of at-risk, high-quality habitat may be considered as the sole means of mitigation for wetland impacts when all of the following criteria are met:
- a. Preservation is used as a form of mitigation only after the standard sequencing of mitigation (avoid, minimize, and then compensate) has been applied;
 - b. Creation, restoration, and enhancement opportunities have also been considered, and preservation is the best mitigation option;
 - c. The impact area is small and/or impacts are to a Category III or IV wetland;
 - d. Preservation of a high-quality system occurs in the same water resource inventory area (WRIA) or a watershed where the wetland impact occurs;
 - e. Preservation sites include buffer areas adequate to protect the habitat and its functions from encroachment and degradation;
 - f. The preservation site is determined to be under imminent threat, specifically, sites with the potential to experience a high rate of undesirable ecological change due to on-site or off-site activities (“potential” includes permitted, planned, or perceived actions); and
 - g. The area proposed for preservation is of high quality and critical for the health of the watershed or basin. Some of the following features may be indicative of high-quality sites:
 - i. Category I or II wetland rating;
 - ii. Rare wetland type (for example, bogs, estuaries);
 - iii. Habitat for threatened or endangered species;
 - iv. Wetland type that is rare in the area;
 - v. Provides biological and/or hydrological connectivity;
 - vi. High regional or watershed importance (for example, listed as priority site in watershed plan); and
 - vii. Large size with high species diversity (plants and/or animals) and/or high abundance.
3. Mitigation Ratios for Preservation as the Sole Means of Mitigation. Mitigation ratios for preservation as the sole means of mitigation shall range from seven-to-one to twenty-to-one, as determined by the city, depending on the quality of wetlands being mitigated and the quality of the wetlands being preserved.

K. Mitigation Maintenance and Monitoring. Mitigation areas will be maintained and monitored for a minimum of five years after the mitigation has been completed. Annual maintenance and monitoring reports will be submitted to the city and shall include:

1. Descriptive data for vegetation, soils, and hydrology;
2. Itemized list of dead, dying, and replaced vegetation;
3. Quantitative assessment of invasive species;
4. Descriptive photographs;
5. Statement of overall success of mitigation;
6. Schedule of activities for the next year of maintenance and monitoring.

The city may extend maintenance and monitoring for mitigation projects that fail to achieve performance standards outlined in the mitigation plan. An example of a performance failure is less than eighty percent survival of native vegetation or more than ten percent of the mitigation area cover with nonnative invasive species.

16.40.010 Classification. SHARE

~~The flood areas in the city of Prosser are classified as either one of two types:~~

~~A.— Floodway. Floodways are defined as the channel of a stream and adjacent land areas which are required to carry and discharge the flood water or flood flows of any river or stream associated with a regulatory flood.~~

~~B.— Flood Fringe. The flood fringe is defined as that land area which is outside a stream's floodway, but is subject to periodic inundation due to flooding associated with a regulatory flood.~~

~~These flood areas have been accurately delineated based on hydrologic and hydraulic studies completed by the Federal Emergency Management Agency in 1979, and as subsequently revised and amended.~~

~~The methodology and detail of these studies is accepted as the best available. (Ord. 2417 § 3 (part), 2003).~~

16.04.1 16.40.020 Designation.

All areas within the city meeting the frequently flooded designation criteria in the "Identification and Delineation Manual," regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

The approximate location and extent of frequently flooded areas are shown on the adopted critical areas map (Exhibit 1 of the ordinance codified in this chapter, or the latest revision of this map). Maps from the Federal Emergency Management Agency, as part of the National Flood Insurance Program (~~1981+979~~ and revised), clearly delineate frequently flooded areas. The present boundaries of the ~~floodway and~~ one-hundred-year floodplain are those designated on the ~~flood boundary and floodway maps~~ Flood Insurance Rate Maps contained in the Flood Insurance Study for the City of Prosser (~~1981+979~~), prepared by the Federal Emergency Management Agency. (Ord. 2417 § 3 (part), 2003).

16.04.2 16.40.030 Regulation.

Titles 16 and 18 of the City of Prosser Municipal Code regulate proposed activities adjacent to or within flood hazard areas. If allowed, any structures permitted in the designated frequently flooded areas are subject to the floodproofing-flood damage regulations provided in Title 18. (Ord. 2417 § 3 (part), 2003).

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