

MOSES LAKE CITY COUNCIL
March 28, 2017

The regular meeting of the Moses Lake City Council was called to order at 7 p.m. by Mayor Voth in the Council Chambers of the Civic Center, 401 S. Balsam, Moses Lake, Washington.

Executive Secretary Sophia Guerrero called the roll. The following were:

Present: Mayor Todd Voth, Deputy Mayor Karen Liebrecht, and Council members Don Myers, Bill Ecret, David Curnel, Ryann Leonard, and Mike Norman

PLEDGE OF ALLEGIANCE: Sam Winzler led the Council in the pledge of allegiance.

MAYOR'S REPORTS

PROCLAMATION

The proclamation declaring March 27 - 31, 2017 as Boys and Girls Club Week was read in its entirety.

ADDITIONAL BUSINESS - None

CITY MANAGER'S REPORTS - None

CITIZEN'S COMMUNICATIONS

MARIJUANA ODOR

Greg Haynes, 2015 W. First Street, Warden, stated that he is the owner of the marijuana greenhouse at the corner of Wheeler and 17. He mentioned that there have been complaints about the odor from the operation and they have taken steps to alleviate the odor.

Dale Good, 1228 E. Wheeler Road, stated that the odor from this operation has affected residents in the area and he requested that staff work with the owners of the greenhouses to alleviate the odor.

Katherine Kenison, City Attorney, stated that staff is aware of the odor and is researching the issue and working with the owners of the greenhouse, who have been very willing to work with staff.

There was some discussion by the Council and staff explained the steps that would have to be taken to address the odor issue if complaints continue to be received.

CONSENT AGENDA

Minutes: The minutes of the March 14 meeting were presented for approval.

Approval of Claims, Prepaid Claims, Checks, and Payroll: Vouchers audited and certified by the Finance Director as required by RCW 42.24.080, and those expense reimbursement claims, certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Council for approval and is retained for public inspection at the Civic Center. As of March 28, 2017 the Council does approve for payment claims in the amount of \$653,488.38; prepaid claims in the amounts of \$50,221.17 and \$96,037.92; claim checks in the amount of \$1,323,189.14; and payroll in the amount of \$341,183.07.

Action Taken: Council member Ecret moved that the Claims, Prepaid Claims, Checks, and Payroll be removed from the Consent Agenda, seconded by Council member Leonard, and passed unanimously.

Council member Ecret questioned the payment of the City's membership to the Moses Lake Business Association since the organization has been abandoned, and the payment to the State Auditor's office.

Robert Taylor, Finance Director, stated that the payment to the Moses Lake Business Association will be investigated and the payment to the State Auditor's Office is because of the on-going audit.

John Williams, City Manager, pointed out that the cost of an audit is an estimate but the City has contacted the State Accounting Office about this on-going audit and the additional costs.

There was some discussion.

Staff was requested to provide some ideas on how to budget for the 2016 audit and where the funds will come from and work with the Auditor's Office on an estimate for the 2016 audit.

Action Taken: Council member Liebrecht moved that the Consent Agenda be approved, seconded by Council member Curnel, and passed unanimously.

OLD BUSINESS

WATV

John Williams, City Manager, provided information on WATVs that might be allowed on City streets. A map was also provided that shows where WATVs would be allowed on streets of 35 mph and under.

Information entitled "Bring WATV's to Moses Lake Streets" was provided by the proponents of the WATVs.

Council member Leonard pointed out that, even if the City were to allow WATVs on City streets, there is no way for them to access the City from the sand dunes because the county does not allow them on county roads.

Anne Fisher, President, Chamber of Commerce, stated that the Chamber supports the idea of WATVs on City streets.

Sam Winzler, 1218 Jefferson, felt that an ordinance could be crafted that would meet the needs of Moses Lake to allow WATVs. He mentioned that he contacted numerous businesses about WATVs and all but one were in favor of allowing them in the City.

Derek Smith, 4450 Circle Place NE, Experience Powersports, stated that he has contacted the county about a county-wide ordinance but has not yet heard anything. He was in favor of allowing WATVs in the City.

Council member Liebrecht felt that residents of the City using them to run errands are different from those using them for recreational purposes in the sand dunes. The tires for use in the sand dunes are different than those that are used on city streets and allowing them will create a huge enforcement issue for the Police Department.

Debbie Doran-Martinez, Chamber of Commerce, stated that the Chamber has also provided a support letter to the WATV group for the county and that allowing them in the City would be a financial boost to the City.

Darin Hendrickson, 715 E. Fifth, stated that there are many uses for these vehicles and was in favor of allowing them in the City.

Rich Archer, 223 Sharon, Sand Scorpions, was in favor of allowing WATVs in the City.

Bernie Garza, 1404 Skyline Drive, Experience Powersports, was in favor of allowing WATVs in the City.

Council member Leonard questioned the turning radius of the WATVs.

Mr. Garza stated that there is a smaller turning radius than for a car and it maintains its stability.

Police Chief Fuhr stated that these vehicles are legal in Idaho but they are used mainly in smaller communities near mountains. They are not used in the larger cities. He pointed out that the local users of the WATVs know that the sand dunes are in the county and that the City cannot currently be accessed from them. Tourists will not know that riding the WATVs on a county road is not allowed will expose them to enforcement by police officers.

Council member Leonard wanted to know if signs could be posted to inform WATV users of the problem.

Mr. Williams stated that there is no requirement for signage but Council could direct that signage be erected.

Mayor Voth was in favor on allowing the WATVs in the City and felt that the City should not wait on any action of the county.

Council member Norman stated that the safety and insurance should be addressed and that there should be a trial period for these vehicles on the City's streets.

Council member Ecret pointed out that there are tourism activities throughout the City that could be accessed by WATVs. He was in favor of the using the Wenatchee ordinance as a base for the ordinance for the City with a few changes including requiring insurance within the City limits and requiring drivers to be 18 years of age or older.

Council member Leonard pointed out that the road between the sand dunes and the City is a county road and at the present time WATVs are not allowed on the county roads. She pointed out that Broadway is a state road and the WATVs are not allowed on state roads. She felt that the county should address the issue first because there will be an enforcement issue with the WATVs driving on state and county roads. She mentioned that if it is decided to allow WATVs on City street then driver's should be 18 years of age or older, require seat belts and roll bars in town, liability insurance, speedometer, signage on City streets, especially the ones that access the sand dunes area and post the speed limits for that, and make provision for City workers to use them within the City's parks.

Council member Myers stated that he was in favor of allowing the WATVs in the City and in agreement with the provisions mentioned by Council member Ecret and that it will provide residents with options.

Council member Curnel pointed out that in states that have allowed WATVs there is a much higher rate of deaths on-road than off-road, so safety is a concern.

Mayor Voth was in favor of allowing the WATVs but was concerned about the impact of a sunset clause.

Action Taken: Council member Ecret moved that the Wenatchee ordinance be modified to fit Moses Lake, and amended to require that drivers be 18 years of age or older, define which vehicles are allowed on City streets, require liability insurance when the vehicles are driven with the City limits, and that the Council revisit the ordinance in a year, and the ordinance be adopted, seconded by Council member Myers.

There was additional discussion by the Council **concerning** insurance requirements, allowing quads and golf carts, and the sunset clause or the requirement to revisit the ordinance in a year,

The motion passed with Council members Ecret, Myers, Norman, Curnel and Mayor Voth in favor and Council members Liebrecht and Leonard opposed.

NEW BUSINESS

RESOLUTION - LEASE PURCHASE

A resolution was presented which provides for the reimbursement of capital expenditures from the proceeds of the lease/purchase agreement.

A resolution authorizing the execution and delivery of a master equipment lease/purchase agreement, and related instruments and determining other matters in connection therewith was read by title only.

John Williams, City Manager, explained that this lease/purchase agreement will provide for the purchase of various pieces of equipment and vehicles over a number of years rather than all in one year.

Action Taken: Council member Leonard moved that the resolution be adopted, seconded by Councilmember Liebrecht, and passed unanimously.

RESOLUTION - NUISANCE ABATEMENT COSTS

A resolution was presented which affirms the Council's prior authorization to staff to collect the funds

expended for the nuisance abatement at 2404 Lakeside, owned by Vona L. Gibson Estate.

The resolution establishing the billing to be imposed against Vona M. Gibson Est as the owner of certain real property upon which the City caused abatement of a nuisance to be performed after a failure of the property owner to abate the same was read by title only.

Action Taken: Council member Ecret moved that the resolution be adopted, seconded by Council member Norman, and passed unanimously.

BID AWARD - TREE REPLACEMENT PROJECT 2017

The City received one bid for the 2017 Tree Replacement Project. This project includes replacing trees and tree planters in the downtown paver district.

Richard Law, Engineer, explained that under previous projects the City has replaced 98 trees due to heaving of sidewalks by root systems. He mentioned that other contractors have expressed interest but no other viable bids were received. He mentioned that there are several options including awarding the bid, limit the contract to reduce the number of sites to stay within budget, or rebid the project.

There was considerable discussion by the Council and concern was expressed about the cost of the project since the City has budget issues at this time and it was suggested that staff research different options other than trees.

Action Taken: Council member Norman moved that the bids be rejected, seconded by Council member Curnel, and passed unanimously.

GRANTS - WCIA

The Washington Cities Insurance Authority has offered the City a \$7,100 grant for the risk reduction in the Police Department and a \$2,500 grant for staff development.

Gilbert Alvarado, Community Development Director/Deputy City Manager, stated that the City has become more involved in risk management and learned that WCIA has a program of grants for risk management and staff development. The City submitted a request for the grants and was awarded a \$7,100 grant for the risk reduction in the Police Department, which will be used to purchase a StarChase Pursuit Management System, which is intended to reduce the liability with high speed chases, and a \$2,500 grant for staff development.

Action Taken: Council member Ecret moved that the grants be accepted, seconded by Council member Norman, and passed unanimously.

ADMINISTRATIVE REPORTS - None

COUNCIL COMMUNICATIONS AND REPORTS - None

EXECUTIVE SESSION: None

ADJOURNMENT: The regular meeting was adjourned at 9:50 p.m.

ATTEST

Todd Voth, Mayor

W. Robert Taylor, Finance Director