

MOSES LAKE CITY COUNCIL

April 14, 2015

Council Present: Dick Deane, Bill Ecret, Karen Liebrecht, David Curnel, Todd Voth, and Jason Avila Absent: Jon Lane

The meeting was called to order at 7 p.m. by Mayor Deane.

PLEDGE OF ALLEGIANCE: Dr. Curnel led the Council in the flag salute.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the March 24 meeting were presented for approval.

Minutes: The minutes of the special meeting of March 30, 31, April 1, and 6, 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 April 14, 2015 the Council does approve for payment claims in the amount of \$397,531.41; prepaid claims in the amounts of \$54,509.47, \$1,001,632.54, and \$72,690.77; claim checks in the amount of \$1,955,766.80; and payroll in the amounts of \$313,509.55 and \$4,176.37.

Crossroads North Phase 1 Major Plat and Findings of Fact: Hayden Homes submitted a preliminary plat to subdivide 8.2 acres into 32 single family lots. A deviation to block length standards and a deferral to allow temporary cul-de-sacs were requested. The site is located east of Highway 17, approximately halfway between Wheeler Road and Nelson Road and is zoned R-1, Single Family Residential. The Planning Commission recommended that the preliminary final plat be approved with conditions. The Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

Resolution - Accept Easement - Gesa Credit Union: A resolution was presented which accepts a utility access easement from Gesa Credit Union for municipal purposes on Block 3, Riviera Addition, located at 721 S. Pioneer Way.

Action Taken: Mr. Voth moved that the Consent Agenda be approved, seconded by Mr. Avila, and passed unanimously.

COMMISSION APPOINTMENTS

PARKS AND RECREATION COMMISSION

Mayor Deane requested Council confirmation of the re-appointment of Connor Lange and Betty Lang to the Parks and Recreation Commission.

Action Taken: Mrs. Liebrecht moved that the re-appointment of Connor Lange and Betty Lang be confirmed, seconded by Dr. Curnel, and passed unanimously.

CONSIDERATION OF BIDS AND QUOTES

LARSON WATER IMPROVEMENTS

The City received three bids for the 2015 Larson Water Improvements. The project includes replacing hydrants, installing valves, installing pads, and associated work to improve the reliability of the hydrants.

Gary Harer, Municipal Services Director, explained the project and recommended awarding the bid even though the bids came in over the engineer's estimate.

Action Taken: Mrs. Liebrecht moved that the bid be awarded to Advanced Excavation in the amount of \$299,100, seconded by Dr. Curnel, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSREQUEST TO USE WATER PARK - MOSES LAKE MANTA RAY SWIM TEAM

The Moses Lake Manta Ray Swim Team requested the use of the Surf 'N Slide Water Park for their annual swim meet on July 17 - 19 and the use of McCosh Park for overnight camping.

Rod Richardson, representing the Manta Ray Swim Team, stated that they wish to allow tent camping in McCosh Park and also have obtained the grass field at Frontier Middle School for additional parking and RV camping.

There was some discussion concerning the use of the water park by the public and it was also pointed out that the Police Department has no issues with the activity.

Action Taken: Mr. Ecret moved that the request be granted for the use of the Surf 'N Slide Water Park and allow tent camping in McCosh Park, seconded by Mr. Avila, and passed unanimously.

MASTER GARDENER FOUNDATION - SIGNS

The Master Gardener Foundation requested permission to place sandwich board signs advertising their plant sale on Saturday May 9. The signs would be located near the corner of Broadway and 4th, near the Moses Lake Library on 5th, and near the corner of Stratford and Broadway.

Mona Kaiser, Master Gardener Foundation, stated that they have held the plant sale for about 15 years. The funds from the sale of the plants are used to encourage the enhancement of good gardening in Grant and Adams Counties.

Action Taken: Mrs. Liebrecht moved that the request be granted, seconded by Dr. Curnel, and passed unanimously.

ORDINANCES AND RESOLUTIONSORDINANCE - REPEAL 1.20 - ADMINISTRATIVE ENFORCEMENT AND CREATE 1.20 - CIVIL CODE ENFORCEMENT - 2ND READING

An ordinance was presented which repeals the current Chapter 1.20 of the Moses Lake Municipal Code entitled "Administrative Enforcement" and adopts a new Chapter 1.20 titled "Civil Code Enforcement". This new ordinance is intended to clear up, clean up, and strengthen the civil code enforcement procedures.

The ordinance of the City of Moses Lake repealing the current Chapter 1.20 of the Moses Lake Municipal Code entitled "Administrative Enforcement" and adopting a new Chapter 1.20 titled "Civil Code Enforcement" was read by title only.

Action Taken: Mr. Avila moved that the second reading of the ordinance be adopted, seconded by Mr. Voth, and passed unanimously.

ORDINANCE - AMEND 13.12 - WATER, SEWER, AND STORMWATER RATES - 2ND READING

An ordinance was presented which increases the water, sewer, and stormwater rates.

The ordinance amending Chapter 13.12 of the Moses Lake Municipal Code entitled "Water, Sewer, and Stormwater Rates" was read by title only.

Robert Taylor, Finance Director, stated that the section on the non-metered accounts has been eliminated from the ordinance.

Action Taken: Mr. Avila moved that the second reading of the ordinance be adopted, seconded by Mrs. Liebrecht, and passed unanimously.

ORDINANCE - AMEND 6.18 - PENALTIES AND ENFORCEMENT - 1ST READING

An ordinance was presented which amends 6.18, Penalties and Enforcement, by providing specific penalties for barking dogs.

The ordinance amending 6.18 of the Moses Lake Municipal Code entitled "Penalties and Enforcement" was read by title only.

Katherine Kenison, City Attorney, explained that when the animal control chapter was recently replaced the barking dog penalty was inadvertently omitted so this amendment addresses that omission.

There was some discussion on the enforcement process on barking dogs.

Action Taken: Dr. Curnel moved that the first reading of the ordinance be adopted, seconded by Mr. Avila, and passed unanimously.

RESOLUTION - BUILD ON UNPLATTED PROPERTY - AMERICOLD

A resolution was presented which would allow Americold to construct a building on unplatted property located at 3245 Road N NE.

The resolution allowing Americold to build on unplatted property owned by ART Mortgage Borrower Propco 2013 LLC was read by title only.

Action Taken: Mr. Voth moved that the resolution be adopted, seconded by Mr. Avila, and passed unanimously.

RESOLUTION - ACCEPT DONATION - DEANE

A resolution was presented which accepts a \$15,000 donation from Sidney Richard Deane. The funds will be used by the Parks and Recreation Department for the construction of a picnic shelter in the public space outside of the Japanese Peace Garden.

The resolution accepting a cash donation of \$15,000 from Sidney Richard Deane was read by title only.

Action Taken: Mrs. Liebrecht moved that the resolution be adopted, seconded by Mr. Avila, and passed unanimously.

REQUEST TO CALL FOR BIDS - NoneREFERRALS FROM COMMISSIONS - NoneOTHER ITEMS FOR COUNCIL CONSIDERATIONMULTI-AGENCY COMMUNICATION CENTER

The City's position on the Multi-Agency Communication Center Board of Directors was held by the former City Manager and the alternate position is Fire Chief Tom Taylor. The Council should consider appointing a representative to the Board.

Gilbert Alvarado, Interim City Manager, recommended that Police Chief Dave Ruffin be appointed to the position.

Action Taken: Mr. Ecret moved that Police Chief Dave Ruffin be appointed to the Multi-Agency Communications Center Board of Directors, seconded by Mr. Avila, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTSRECOGNITION OF BUSINESSES

Mayor Deane mentioned that AstaReal has been operating in the City for nearly a year and has indicated they would like some kind of recognition from the City. He requested staff to draft a policy on recognition of businesses.

CITY MANAGER REPORTS AND COMMENTSREIMBURSEMENTS 2015

Gilbert Alvarado, Interim City Manager, provided the increase in the water, sewer, storm water, and street reimbursements. These amounts are increased each year by the January to January CPI.

NATIONAL FROZEN FOODS - HAZARDOUS PERMIT FEES

Gilbert Alvarado, Interim City Manager, mentioned that Gary Ash from National Frozen Foods, objected to the cost of a hazardous material permit at a recent Council meeting. He mentioned that he has discussed the issue with Mr. Ash and communication is ongoing.

VACATION RENTAL - UPDATE

Gilbert Alvarado, Interim City Manager, stated that he contacted the City's insurance carrier, CIAW, about the issue of allowing vacation rentals without requiring the facilities to have a fire sprinkler system. CIAW will issue a response to the documentation that was provided and to the City's interpretation of the Building Code.

HANSEN - AMENDMENT TO SEWER REGULATIONS

Gilbert Alvarado, Interim City Manager, reported that the request from Mick Hansen to allow a septic system in the Heavy Industrial Zone is on hold at this time due to other issues that need to be addressed by Mr. Hansen, including water rights issues.

SHORELINE MASTER PROGRAM

Gilbert Alvarado, Interim City Manager, stated that the City has requested a 45 day extension to respond to the comments from the Department of Ecology on the Shoreline Master Program and that extension has been granted.

WELLCITY

Gilbert Alvarado, Interim City Manager, stated that the City has met the AWC Trust's WellCity standards and earned a 2% discount on medical premiums for 2016.

RECRUITMENT OF NEW CITY MANAGER

Gilbert Alvarado, Interim City Manager, stated that proposals for recruitment services for a new City Manager have been provided to the Council and they will be available to discuss their services at the April 28 Council meeting. He mentioned that a resume has been submitted by Dick Zais, who has previously served as an interim City Manager, and who will also be present at the April 28 meeting.

AMBULANCE REPORT

The cash report on the ambulance operations for the month of March was provided.

BUILDING ACTIVITY REPORT

The March Building Activity Report was provided.

INVESTMENT REPORT

The City received \$18,991.73 in investment income for January 2015 and \$17,374.34 in investment income for February 2015.

STATE AUDITOR

Gilbert Alvarado, Interim City Manager, stated that the State Auditor's Office met with staff concerning the City's interfund loans. The State Auditor's Office disagreed with how the City has been handling its interfund loans and will be providing a written response in the future.

FIRE DEPARTMENT PERFORMANCE STANDARDS

Gilbert Alvarado, Interim City Manager, stated that the performance standards for the Fire Department are proposed to be presented at the first Council meeting in May.

The regular meeting was recessed at 8 p.m. and the Council met in a 20 minutes executive session with the City Attorney to discuss litigation. The executive session was adjourned at 8:18 p.m. and the regular meeting was reconvened.

AT&T LITIGATION

Katherine Kenison stated that a Settlement Agreement has been offered by the consortium of cities that were sued in a class action law suit by AT&T. AT&T voluntarily overpaid utility tax payments that were not legal for it to be charging its customers and has sued the City seeking reimbursement of those voluntary overpayments. The original claim was over \$150,000 and they have offered to settle for \$30,000, which the City has accepted. The settlement amount will be paid by issuing a credit to AT&T so the City will not receive any tax payments for approximately a month and a half until the credit is exhausted.

Robert Taylor, Finance Director, stated that in the last three months AT&T has paid approximately \$26,000 per month in utility taxes.

Action Taken: Mr. Voth moved that the Settlement Agreement with AT&T be accepted, seconded by Mr. Avila, and passed unanimously.

CIVIL SERVICE COMMISSION

Katherine Kenison, City Attorney, stated that a letter has been received from Steve DiJulio regarding representing the Civil Service Commission in an appeal of the termination of a Police Officer.

Action Taken: Mr. Ecret moved that the Interim City Manager be authorized to sign the engagement letter with Steve DiJulio, seconded by Dr. Curnel, and passed unanimously.

The regular meeting was adjourned at 8:22 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director