

MOSES LAKE CITY COUNCIL
May 12, 2015

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

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

PLEDGE OF ALLEGIANCE: Gavin Allison, 9th grader from Moses Lake High School, led the Council in the flag salute.

PRESENTATION AND AWARDS

PROCLAMATION

The proclamation honoring the one year anniversary of AstaReal Technologies, Inc. in Moses Lake, Washington was read in its entirety.

CONSENT AGENDA

Minutes: The minutes of the April 28 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 May 12, 2015 the Council does approve for payment claims in the amount of \$1,420,768.07; prepaid claims in the amounts of \$25,149.14 and \$50,153.21; claim checks in the amount of \$890,856.71; and payroll in the amount of \$310,604.95.

Resolution - Accept Deed - Peterson: A resolution was presented which accepts a quit claim deed from Eric D. Peterson, LLC which will clarify right-of-way along Dahlia Street.

Resolution - Abandon Easement - Moberg: A resolution was presented which abandons easements located between Lots 7 and 8 in Block 3 of the Glenmoor Reach 3 Major Plat.

Moses Lake Industries Preliminary Major Plat & Findings of Fact: Moses Lake Industries has submitted an application to plat their existing plant site at 8242 Randolph Road into a one-lot plat of 87 acres. The site is zoned Heavy Industrial, which corresponds with the Comprehensive Plan Land Use Designation of Industrial. A waiver of street improvements was requested. The Planning Commission recommended that the preliminary plat be approved with conditions. The Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

GRANT COUNTY PUD - PROJECTS UPDATE

Tony Webb, General Manager, Grant County PUD, gave a presentation on various projects including Crescent Bar agreement, Crescent Bar recreation options, Priest Rapids Project Turbine and Generator Upgrades and high speed network expansion.

REQUEST TO USE CITY PROPERTY - BASIN BREWS & TUNES

The Moses Lake Business Association is hosting the Basin Brews and Tunes in Downtown on June 27 from 4 p.m to 10 p.m. and requested the closure of Third Avenue from Beech to Ash and Ash Street from Third to Fourth. Permission was also requested for the use of Sinkiuse Square for a beer garden, food and commercial vendors, entertainment, and other activities and to sell unopened beer and wine for off premises

consumption.

Jasmyne DeBeaumont, Moses Lake Business Association, stated that they had a good turnout last year and would like to continue the event this year.

Dave Helms, 315 Ash, stated that he is not opposed to the event but was concerned about closing the streets during normal business hours. He pointed out that the entire length of Ash Street between 3rd and 4th was not needed for an event a month ago and so the portion of the street that was not needed for the event was taken up by the participants to the detriment of the businesses on Ash Street. He suggested that the City determine how much of a street needs to be closed rather than just closing an entire block.

Ms. DeBeaumont stated that they monitor how much of the street will be needed and perhaps the amount of closure of the street could be modified.

There was some discussion by the Council.

Action Taken: Mr. Lane moved that the request be granted, seconded by Mr. Avila, and passed unanimously.

REQUEST TO USE CITY PROPERTY - BLOCK PARTY

Lisa Porter, 1645 Wallace Street, stated that they would like to have a block party and to close half of Wallace Street between Turnagin and Sharon on Saturday, June 20 from 2 p.m. to 5 p.m.

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

ORDINANCES AND RESOLUTIONS

ORDINANCES - AMEND 3.16, 3.18, 5.04, and 6.18 - 2ND READINGS

Ordinances were presented which amend Chapters 3.16, Admissions Tax, 3.18, Gambling Tax, 5.04, Licensing Regulations, and 6.18, Penalties and Enforcement, to bring them into compliance with the recently adopted Chapter 1.20, Civil Code Enforcement.

The ordinance amending Chapter 3.16 of the Moses Lake Municipal Code entitled "Admissions Tax" was read by title only.

Action Taken; Mr. Ecret moved that the second reading of the ordinance be adopted, seconded by Dr. Curnel, and passed unanimously.

The ordinance amending Chapter 3.18 of the Moses Lake Municipal Code entitled "Gambling Tax" was read by title only.

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

The ordinance amending Chapter 5.04 of the Moses Lake Municipal Code entitled "Licensing Regulations" was read by title only.

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

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

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

ORDINANCE - AMEND 17.12 - MAJOR SUBDIVISIONS - 2ND READING

An ordinance was presented which changes the preliminary plat approval period from 7 years to 5 years to

comply with state law and extending the approval period to three years.

The ordinance amending Chapter 17.12 of the Moses Lake Municipal Code entitled "Major Subdivisions" was read by title only.

Gilbert Alvarado, Interim City Manager, gave the history of the preliminary plat review period and mentioned that a preliminary plat is approved for five years and the approval can be extended for an additional three years.

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

ORDINANCE - AMEND 16.40 - FIRE DEPARTMENT PERMIT FEES - 1ST READING

An ordinance was presented which brings the Fire Department permit fees in line with the fee schedule used by the Building Division.

The ordinance amending Chapter 16.40 of the Moses Lake Municipal Code entitled "Fire Department Permit Fees" was read by title only.

Gilbert Alvarado, Interim City Manager, explained that these proposed changes came about as a result of the discussions with Gary Ash from National Frozen Foods regarding Fire Department fees in general.

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

ORDINANCE - AMEND 18.50 - RECREATIONAL MARIJUANA BUSINESSES - 1ST READING

An ordinance was presented which would allow the production, processing, selling, or delivery of marijuana, marijuana-infused products, or useable marijuana in the Heavy Industrial Zone. The ordinance also eliminates references to Chapter 18.49, Site Plan Review, which no longer exists.

The ordinance amending Chapter 18.50 of the Moses Lake Municipal Code entitled "Recreational Marijuana Businesses" was read by title only.

Mark Fancher, 301 Inglewood Drive, stated that he was in favor of the change as it would bring in additional business to the City.

Ryan Leonard, 7662 Chanute, pointed out that marijuana is already allowed in the Light Industrial Zone and was concerned about expanding those businesses into other areas.

Mrs. Liebrecht felt that marijuana operations would be more confined in the Light Industrial Zone as opposed to the Heavy Industrial Zone which includes very large parcels. She did not wish the City to become a large marijuana growing community.

Bob Fancher, 6726 N. Frontage Road, felt that the Heavy Industrial Zone is the correct area for marijuana growing and it fits with the rules established by the state. He pointed out that some of the taxes on marijuana will be returned to those governmental entities that allow marijuana.

Mayor Deane felt that the City should wait to see if there are any problems with the businesses in the Light Industrial Zone before allowing expansion into the Heavy Industrial Zone.

Mr. Voth pointed out that the city would benefit from the marijuana business with increased tax revenue from the state and that this type of business would be appropriate in a Heavy Industrial Zone.

Mr. Lane also felt that a marijuana business is better in the Heavy Industrial Zone.

Action Taken: Mr. Voth moved that the first reading of the ordinance be adopted, seconded by Mr. Lane, and passed with Mrs. Liebrecht, Dr. Curnel, and Mayor Deane opposed.

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - NoneOTHER ITEMS FOR COUNCIL CONSIDERATIONWATER/SEWER SERVICE - GREGGS

Walter Greggs requested permission to connect 1235 Fairway Drive to the City's water and sewer system without annexing the property to the City. The property is within one half mile of the City's limits but it would be impractical to require annexation because 90 feet of Fairway Drive along the front of the lot would have to be annexed also and this would create a gap in the jurisdictional operation and maintenance of Fairway Drive.

Mr. Greggs stated that his existing septic tank is failing and any new system would be difficult to meet current regulations and so he is requesting to connect to City sewer.

Action Taken: Dr. Curnel moved that it be found to be impractical to annex the property into the City and that the request for City services be granted with the stipulation that an Extra Territorial Utility Agreement be required, seconded by Mrs. Liebrecht, and passed unanimously.

WATER/SEWER SERVICE - GARRO

Joe and Lori Garro requested permission to connect 2781 Westshore Drive to the City's water and sewer system without annexing the property to the City. The property is more than one half mile of the City's limits.

Action Taken: Mr. Voth moved that the request for City services be granted with the stipulation that an Extra Territorial Utility Agreement be required, seconded by Dr. Curnel, and passed unanimously.

WATER/SEWER SERVICE - RAMIREZ/ESPINOZA

Carmen Ramirez and Joaquin Espinoza requested permission to connect 2030 Westshore Drive to the City's water and sewer system without annexing the property to the City. The property is within one half mile of the City's limits but it would be impractical to require annexation as the intervening property owners are not willing to annex to the City at this time.

Action Taken: Dr. Curnel moved that it be found to be impractical to annex the property into the City and that the request for City services be granted with the stipulation that an Extra Territorial Utility Agreement be required, seconded by Mrs. Liebrecht, and passed unanimously.

EXECUTIVE SEARCH SERVICES

Gilbert Alvarado, Interim City Manager, requested direction in the selection of an executive recruitment firm to provide search services for a City Manager.

Action Taken: Mrs. Liebrecht moved that the Interim City Manager be authorized to execute an agreement with Prothman, seconded by Mr. Lane.

There was considerable discussion by the Council on the process.

The motion passed with Mr. Voth opposed as he felt the Council should have further discussions on the contract and process that should be used.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTSCITY MANAGER POSITION

Chuck Perry, 4204 W. Lakeshore Drive, stated that there are many conflicting stories being passed around about the problems with the City Manager because the Council did not provide a reason for its decision. He felt that the major decisions that affect the City, its government, and its citizens should be explained so the public understands why the Council made the decision and that keeping things open is critical to a well run city.

MOSES LAKE RAIL PROJECT

Debbie Doran-Martinez, Chamber of Commerce, requested the Council to take a supporting position in favor of the Port of Moses Lake's Columbia Basin Rail Project. The project is in the state's budget and a favorable vote by the legislature would help remove the rail from the downtown area and positively impact the industrial users at the Port.

The Council was in favor of the project.

EMS TASK FORCE

Ryann Leonard and April Adams, Co-Chairs of the EMS Task Force, gave a presentation on the formation and efforts of the EMS Task Force. Ms. Leonard mentioned that the Task Force has arrived at four recommendations - accept the performance standards presented by the Asst. Fire Chief, made changes to MLMC 2.30 by adding three definitions with regard to transports and include an exception to provided that Moses Lake's Fire Department will not provide out-of-town transports, eliminate the day car and two single role positions associated with it and eliminate the out-of-town transports.

Brett Bastian, Assistant Fire Chief, mentioned that one of the personnel assigned to the day car has accepted a position with another agency and, by contract, the position will have to be covered with an overtime person. By eliminating the day car and out-of-town transports, it will eliminate the necessity of filling the position by an overtime person.

Gilbert Alvarado, Interim City Manager, stated that staff has been looking over the figures provided and discussing the day car and out-of-town transport issue.

Action Taken: Mr. Ecret moved that staff provide information on the day car and elimination of the out-of-town transports, seconded by Mr. Voth, and passed unanimously.

CONCESSIONS

Debbie Doran-Martinez, Chamber of Commerce, stated that there is a non-profit group that is willing to provide concessions at the parks but would like to have use of the permanent structures.

Gilbert Alvarado, Interim City Manager, stated that the City has been getting questions and complaints about the lack of concessions at the ballfields and explained the background and concerns about outside vendors using the City's facilities.

Spencer Grigg, Parks and Recreation Director, stated that the concessions were closed because of the budget cuts. He also pointed out that the ballfields need repairs to the power grid and new scoreboards but no funds have been allocated. He mentioned that the City may lose many of the tournaments that have been played here because of the deteriorating facilities and lack of concessions.

Kat Stebbins, 1611 S. Monroe, Campfire Robotics Team, stated that they would be willing to provide the concessions during tournaments but they would have to have access to the City's facilities. She mentioned that they would not be using the grills or any of the bigger or specialized equipment, just the freezers and refrigerators.

Action Taken: Mr. Ecret moved that the Campfire Robotics Team be allowed to use the City's concession stand through a concession agreement, seconded by Mr. Voth, and passed unanimously.

Mr. Alvarado stated that the Moses Lake Rattlers Softball Team will be holding a tournament at Lauzier Field on May 16 and 17 and requested Tacos El Rey to provide food service since the City's concession building is closed.

Action Taken: Mayor Deane moved that the Tacos El Rey be allowed to provide food at Lauzier Field for the softball tournament on May 16 and 17, seconded by Mr. Lane, and passed unanimously.

PRESENTATION

Jason Schmitt, 850 E. Spokane Falls Boulevard, McKinstry Construction Corporation, stated that they are a design build contractor that uses performance contracting to do infrastructure upgrades for public and private entities. Performance contracting does not require the use of public works bidding laws, which means that the lowest bidder does not automatically get the job. There are guaranteed energy savings, project costs and performance from the engineering.

COUNCIL QUESTIONS AND COMMENTS

NAMING CITY FACILITIES

Mrs. Liebrecht moved that the item considering the amendment to the City's policy for naming facilities be removed from the table, seconded by Mayor Deane, and passed unanimously.

Action Taken: Mrs. Liebrecht moved that the policy be amended by adding "or when an unusually outstanding service to the city would so justify", seconded by Mr. Lane, and passed unanimously.

Action Taken: Mrs. Liebrecht moved that the Heron Bluff Trail be renamed the Joseph K. Gavinski Trail in honor of his years of service to the City, seconded by Mr. Lane, and passed unanimously.

CITY MANAGER REPORTS AND COMMENTS

VACATION RENTAL UPDATE

Gilbert Alvarado, Interim City Manager, stated that WCIA, the City's insurance carrier, stated that the requirement for a sprinkler system at a vacation rental is not clearly spelled out by the International Building Code and is not consistently applied across the state. The City should have no additional risk or exposure should the Council decide to allow vacation rentals.

FIRE DEPARTMENT - PERFORMANCE STANDARDS

Brett Bastian, Assistant Fire Chief, provided information on performance standards for the Fire Department. The performance standards are a tool that sets goals for a response within the community.

There was some discussion by the Council and it was requested that the Fire Department investigate a volunteer program.

Ron Roth, Health, Safety, Environmental Coordinator at SGL, stated that it takes 18 minutes for the Fire Department to respond to an emergency call at SGL. Since there are about 2,000 workers in the area of SGL, a response time of 18 minutes is not acceptable. He would encourage the Council to adopt the performance standards. He mentioned that the company's insurance rate will be higher because of the lack of response time.

AMBULANCE REPORT

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

BUILDING ACTIVITY REPORT

The April Building Activity Report was provided.

The regular meeting was adjourned at 10:40.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director