

MOSES LAKE CITY COUNCIL
May 26, 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: Elisia Dalluge led the Council in the flag salute.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the May 12 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 26, 2015 the Council does approve for payment claims in the amount of \$1,113,771.26; prepaid claims in the amounts of \$22,466.93 and \$46,515.74; claim checks in the amount of \$2,119,681.71; and payroll in the amount of \$303,268.15.

Bernhardt Final Plat and Findings of Fact: Columbia Northwest Engineering, representing Bill Bernhardt, submitted a final plat to subdivide 4.56 acres into 14 single family lots. The site is located on Lakeside Drive south of Milwaukee Avenue and is zoned R-3, Multi-family Residential. The Planning Commission recommended that the 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 - Mancilla: A resolution was presented which accepts an easement from Ruben and Maria Mancilla for the Stratford Road sidewalk project.

Resolution - Boundary Line Adjustment - Pro-Touch Car Wash & Detail, LLC: A resolution was presented which approves a boundary line adjustment between the City and Pro-Touch Car Wash & Detail, LLC by exchanging property on Marina Drive extended.

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

ANDERSEN - CODE ENFORCEMENT

Mary Andersen, 636 W. Village Avenue, stated that they received a letter from Code Enforcement concerning a steel ramp placed in the gutter to aid in accessing their driveway because the curb is 5" high and the bottom of the cars scrape the curb.

Jack Roberts, 616 W. Village, stated that his bumper has been torn off when he backs out of the driveway because of the high curb. He mentioned that because the newer cars are built low to the ground, the high curbs are a hazard.

Gary Harer, Municipal Services Director, pointed out that the high curb was the community standard at the time this subdivision was constructed. He stated that the remedy is to remove the curb and put in a depressed curb or hire a contractor to alter the curb. Some of the remedies used by the home owners, such as filling the area with concrete, are not acceptable to the City because it blocks the storm water and the ramps make it difficult for the street sweeper as they collect leaves and debris.

Gilbert Alvarado, Interim City Manager, pointed out that the community standards have changed over the years and this type of curb is no longer the standard.

There was some discussion by the Council and staff was directed to meet with the neighbors to try to work out a solution.

CONCESSIONS

Moses Lake Ice Cream requested permission to sell ice cream in the City's parks.

Gilbert Alvarado, Interim City Manager, reminded the Council that the City is not operating its concession stands this year so the Council agreed to allow the Moses Lake Robotics Team to operate the concession stands at the ballfields.

Isabel Simard, Moses Lake Ice Cream, explained that she was approached about providing concession services at the ballfields because the lack of concessions has created a hardship for the baseball community and for the tournaments.

Kat Stebbins reminded the Council that they had granted permission for the Moses Lake Robotics Team to man the concession stands at Larson Playfield and Lauzier Field for the tournaments for the next several months.

Spencer Grigg, Parks and Recreation Director, mentioned the non-profit groups were contacted about providing concessions this year, since the City was unable to provide that service due to funding issues. The Campfire Robo Girls have previously provided concessions at some of the events at the amphitheater and they expressed interest in providing that service.

There was some discussion by the Council and it was recommended that Moses Lake Ice Cream come back with a formal presentation.

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 16.40 - FIRE DEPARTMENT PERMIT FEES - 2ND 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.

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

ORDINANCE - AMEND 18.50 - RECREATIONAL MARIJUANA BUSINESSES - 2ND 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.

Gilbert Alvarado, Interim City Manager, mentioned that the producer would sell his marijuana to a processor and not to the public like a retail store.

Action Taken: Mr. Lane moved that the second reading of the ordinance be adopted, seconded by Mr. Avila, and passed with Mrs. Liebrecht, Dr. Curnel, and Mayor Deane opposed as this expands the areas where marijuana can be grown.

ORDINANCE - AMEND 8.14 - NUISANCES DEFINED - 1ST READING

An ordinance was presented which amends Chapter 8.14, Nuisances Defined, to bring it into compliance with the recently adopted Chapter 1.20, Civil Code Enforcement.

The ordinance amending Chapter 8.14 of the Moses Lake Municipal Code entitled "Nuisance Defined" was read by title only.

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

ORDINANCE - CREATE 18.63 - VACATION RENTAL DWELLINGS - 1ST READING

An ordinance was presented which creates Chapter 18.63, Vacation Rental Dwellings, which would permit the rental of a single-family dwelling for less than thirty (30) days within all residential zoning districts. The issue of the fire sprinkler system requirement was discussed with the City's insurance carrier, and since the requirement for a fire sprinkler system for 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.

The ordinance creating Chapter 18.63 of the Moses Lake Municipal Code entitled "Vacation Rental Dwellings" was read by title only.

Action Taken: Mr. Ecret moved that this item be removed from the table, seconded by Mr. Lane, and passed unanimously.

Gilbert Alvarado, Interim City Manager, provided background on the development of the ordinance and explained the elements of the ordinance as proposed.

Katherine Kenison, City Attorney, recommended that the language dealing with the violations be amended to include any violations of the A - K of the endorsement criteria are violations by the people using the property.

Action Taken: Mr. Ecret moved that the ordinance be amended as recommended by the City Attorney and the first reading be adopted, seconded by Mr. Lane, and passed unanimously.

ORDINANCE - BONDS - SINGLE READING

An ordinance was presented which authorizes the issuance and sale of limited tax general obligation bonds which will be used to refinance the 2006 limited tax general obligation bonds.

The ordinance of the City of Moses Lake, Washington, providing for the issuance and sale of limited tax general obligation refunding bonds of the City in the principal amount of not to exceed \$4,225,000 to provide funds to refund certain outstanding limited tax general obligation bonds of the City; and delegating authority to approve the final terms of the bonds was read by title only.

Jim Nelson, bond attorney, explained the process of refinancing the bonds which will save the City money on interest on the bonds.

Scott McJannet, Bond Attorney, explained the procedure of issuing the bonds.

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

RESOLUTION - ACCEPT GIFT - MITCHELL

A resolution was presented which accepts a donation of \$500 from the Dean Mitchell family. The funds are to be used to enhance the Police Department's honor guard program.

The resolution accepting a cash donation of \$500 from the Dean Mitchell family was read by title only.

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

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS

USE OF CASCADE PARK - SEATTLE OUTBOARD ASSOCIATION

The Seattle Outboard Association requested permission to hold a boat race at Cascade Park on September 12 & 13, 2015. The Parks and Recreation Commission recommended that the request be granted.

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

OTHER ITEMS FOR COUNCIL CONSIDERATION

ALCOHOL IN PARKS

Keith Marshall, Mount Rainier Professional Baseball League, requested permission to have a beer garden at their games at Larson Playfield and Lauzier Athletic Complex.

There was some discussion and Gilbert Alvarado, Interim City Manager, pointed out that the Liquor Control Board will also be involved in this request.

Action Taken: Dr. Curnel moved that the request be granted for a beer garden at Larson Playfield and Lauzier Athletic Complex, seconded by Mr. Avila, and passed unanimously.

NAMING OF MAIN ACTIVITY PATH

Joe Rogers and Richard Teals, Co-Chairs of the Trails Planning Team, expressed their support to name the main activity path from Blue Heron Park to Cascade Park the Joseph K. Gavinski Trail in honor of the former City Manager Joe Gavinski since he has been a dedicated supporter of the Trails Planning Team for over ten years.

Mr. Rogers stated that with the help of Mr. Gavinski the Trails Planning Team has managed to form working relationships with a number of other agencies in the area and to keep viable this organization of volunteers.

Action Taken: Mrs. Liebrecht moved that the trail from the Bluff West Major Plat to Cascade Park be renamed the Joseph K. Gavinski Trail, seconded by Mr. Lane.

There was considerable discussion by the Council and Mr. Voth expressed concern about the vagueness of the policy for naming city facilities and the fact that the activity trails throughout the City have not been completed and how those might be named.

The motion passed with Mr. Voth opposed.

Mr. Ecret also felt that the policy on naming City facilities need to be refined.

Staff was directed to review the policy on naming City facilities.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

PROJECTS UPDATE

Gilbert Alvarado, Interim City Manager, provided a list of the on-going projects in the City.

FIRE DEPARTMENT - PERFORMANCE STANDARDS AND TRANSPORTS

Gilbert Alvarado, Interim City Manager, stated that the performance standards for the Fire Department is a complex issue and staff has been discussing the costs associated with any formally adopted performance standards and any possible legal ramifications. He suggested that a study session be set to discuss the performance standards, the out-of-town ambulance transports, and the elimination of the day car.

There was some discussion by the Council.

A study session was set for Tuesday, June 2, at 6 p.m.

INVESTMENT REPORT

The City received \$18,367.43 in investment income for April 2015.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$368,481.785 in sales tax and \$32,320.66 in transient rental income in April.

EXECUTIVE SEARCH SERVICES - PROTHMAN

Gilbert Alvarado, Interim City Manager, explained some of the details of the contract with Prothman for the recruitment of a new City Manager, which includes the cost of bringing the candidates to Moses Lake and some other expenses for Mr. Prothman. In order to keep the costs reasonable, it was recommended that the candidates be offered a stipend and the expenses for Mr. Prothman will come to about \$3,500.

The regular meeting was recessed at adjourned at 9:10 p.m. and the Council met in a 20 minute executive session with the City Attorney to discuss labor relations. The executive session was adjourned at 9:30 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 9:30 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director